

tarism look like pacifism. That unavoidable, actual burden should be weighed in the balance against the possible burdens of the treaty which Senators have been conjuring up.

"In any case, we are not in reality going to get along without the world. Why, then, not try to get along with it?"

RECESS.

Mr. CUMMINS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Friday, December 5, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 4, 1919.

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. WALSH.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, Thou hast permitted us to pass through the scourge of a world-wide war, attended with the loss of millions of lives, millions of wounded and scarred men, millions of heartaches, and billions of dollars, to teach us the beauty of peace and brotherly love, the pearl of great price.

Have we learned the lesson? God grant that we may have, that war may come no more.

When winds are raging o'er the upper ocean,
And billows wild contend with angry roar,
'Tis said, far down beneath the wild commotion,
That peaceful stillness reigneth evermore.

Far, far away the roar of passion dieth,
And loving thoughts rise calm and peacefully,
And no rude storm, how fierce soe'er it flieth,
Disturbs the soul that dwells, O Lord, in thee.

So to the heart that knows thy love, O Purest,
There is a temple, sacred evermore,
And all the babble of life's angry voices
Dies in hushed stillness at its peaceful door.

So may it be with Thy children. Amen.

The Journal of the proceedings of yesterday was read and approved.

SIX MONTHS' PAY TO DEPENDENTS OF REGULAR ARMY MEN.

Mr. ANTHONY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ANTHONY. Is a vote now pending on the bill which was under consideration yesterday when the House adjourned?

The SPEAKER pro tempore. The previous question having been ordered, the vote will come on the motion of the gentleman from Texas [Mr. BLANTON] to recommit; and that is the business now in order.

Mr. ANTHONY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Kansas makes the point of order that there is no quorum present. Evidently no quorum is present.

Mr. CLARK of Missouri. Mr. Speaker, why not vote upon this motion to recommit, and save one roll call?

Mr. CRAGO. Mr. Speaker, would not that be an automatic roll call?

Mr. MONDELL. Mr. Speaker, a point of no quorum having been made, and the Chair having found that no quorum is present, I move a call of the House.

The SPEAKER pro tempore. The gentleman from Wyoming moves a call of the House.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. The House having divided yesterday on the motion to recommit, is not the vote now, under the point of order, on the motion to recommit?

Mr. MANN of Illinois. In the first place, the House did not divide.

Mr. BLANTON. Oh, I beg the gentleman's pardon. I beg to call the Chair's attention to the fact that the House did divide. The Speaker announced, "All in favor of this motion say 'aye,'" and the House was dividing when the point of no quorum was made. Regardless of what the RECORD shows, that is the fact. The House had divided.

The SPEAKER pro tempore. The RECORD shows that the Speaker pro tempore stated:

The question is on the motion to recommit.

Thereupon Mr. BLANTON rose and said:

Mr. Speaker, on that motion to recommit I ask for the yeas and nays, and pending that I make the point of no quorum present.

The Chair would rule that under the circumstances the House was not dividing.

Mr. BLANTON. Mr. Speaker, I ask that the RECORD be corrected to show the facts according to the reporter's notes.

Mr. MANN of Illinois. The RECORD does show the fact.

The SPEAKER pro tempore. That request is not in order. The question now before the House is on the motion to order a call of the House.

The question was taken, and the motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ayres	Fairfield	Kahn	Sanders, N. Y.
Bacharach	Ferris	Keller	Schall
Barbour	Flood	Kendall	Scott
Barkley	Fuller, Mass.	Kennedy, R. I.	Scully
Bee	Gallivan	Kettner	Sears
Black	Gandy	King	Sells
Blackmon	Garland	Kraus	Siegel
Bland, Ind.	Garner	Kreider	Sisson
Bland, Mo.	Goldfogle	LaGuardia	Slemp
Booher	Goodall	Langley	Smith, Mich.
Briggs	Goodwin, Ark.	Luhling	Smith, N. Y.
Britten	Gould	McClintic	Stegall
Candler	Graham, Pa.	McKeown	Stedman
Caraway	Hadley	McLane	Steele
Carter	Hamill	McLaughlin, Mich.	Stephens, Ohio
Christopherson	Hamilton	Major	Stoll
Classon	Hardy, Tex.	Mansfield	Strong, Kans.
Cole	Harrison	Mead	Sullivan
Collier	Haskell	Merritt	Summers, Tex.
Cooper	Heflin	Miller	Sweet
Crowther	Hernandez	Montague	Taylor, Ark.
Dallinger	Hersman	Moore, Pa.	Thompson
Davey	Hickey	Morin	Vare
Davis, Tenn.	Hill	Mudd	Venable
Denison	Hoch	Murphy	Voigt
Dent	Howard	Nichols, S. C.	Volstead
Donovan	Huddleston	Nichols, Mich.	Ward
Dooling	Hudspeth	Nolan	Wason
Doremus	Hull, Iowa	O'Connor	Webster
Dowell	Humphreys	Olney	Wheeler
Duan	Igoe	Osborne	White, Kans.
Dupré	Jacoway	Oysterstreet	Winslow
Eagan	James	Ramsayer	Wise
Eagle	Johnson, Ky.	Reavis	Young, Tex.
Edmonds	Johnson, S. Dak.	Rowan	Zihlman
Ellsworth	Johnston, N. Y.	Rubey	
Elston	Jones, Pa.	Sanders, Ind.	
Esch	Jones, Tex.	Sanders, La.	

The SPEAKER pro tempore. On this call 286 Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. Should the House be able to maintain the quorum which has lately answered to their names when called, then the only way by which the Members of the House can go on record "yea" or "nay" upon the motion to recommit would be for the House to order the yeas and nays on the motion to recommit, which would thus place every Member on record for or against the proposition. Is not that the fact?

The SPEAKER pro tempore. If a sufficient number of the House—

Mr. BLANTON. Remain present.

The SPEAKER pro tempore. Express their desire for a call of the yeas and nays.

Mr. BLANTON. And that would be one-fifth of the Members present?

The SPEAKER pro tempore. Yes. The Chair lays before the House the unfinished business, which the Clerk will report by title.

The Clerk read as follows:

S. 2497. An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct.

The SPEAKER pro tempore. The question is on the motion to recommit.

Mr. BLANTON. Mr. Speaker, upon that I demand the yeas and nays.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER pro tempore. The gentleman from Kansas moves the previous question on the motion to recommit.

The previous question was ordered.

Mr. BLANTON. Mr. Speaker, I demand the yeas and nays on the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas demands the yeas and nays on the motion to recommit. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Eighteen Members have risen, not a sufficient number.

Mr. BLANTON. Mr. Speaker, I demand the other side.

The SPEAKER pro tempore. The Chair will state that a call of the House has just been had and that 286 Members answered to their names. It is evident that 18 is not a sufficient number to secure a call of the roll on the motion to recommit. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 36, noes 191.

So the motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House proceeded to divide.

Mr. BLANTON. Mr. Speaker, on this vote I ask for the yeas and nays. I will not get them, but I ask for them just the same.

The SPEAKER pro tempore. Those in favor of ordering the yeas and nays will rise and stand until they are counted. Six gentlemen have risen, not a sufficient number, and the bill is passed—

Mr. BLANTON. No, Mr. Speaker; we have not had the negative. We have had the affirmative vote, and I would like for the Chair to put the negative vote. The yeas and nays were called for, the affirmative vote was taken, but the negative had not been put.

The SPEAKER pro tempore. Those opposed will rise. On this vote the yeas are 201 and the nays are 11.

Mr. BLANTON. Mr. Speaker, I make the point of order of no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order of no quorum. The Chair will count. [After counting.] Two hundred and fifty-one Members are present, a quorum, and the bill is passed.

On motion of Mr. GREENE of Vermont, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. HULINGS. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HULINGS. I desire to ask unanimous consent to have printed in the RECORD a petition from many citizens of Pennsylvania respecting the railroad bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks by printing in the RECORD a petition signed by citizens of Pennsylvania in respect to the railroad bill. Is there objection?

Mr. BLANTON. I reserve the right to object.

Mr. DYER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. TIMBERLAKE. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD two short resolutions, one of them by the post of the American Legion in Colorado and the other from the organization of Elks. They are patriotic in their nature, and I believe should be printed in the RECORD.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to print in the RECORD resolutions from the American Legion in Colorado and the Order of Elks. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I desire to ask the gentleman a question. Are these with reference to the present so-called industrial unrest?

Mr. TIMBERLAKE. They are and caused by the activity of Socialists, Bolsheviks, and the I. W. W.

Mr. BLANTON. Are they for or against Bolshevism? [Applause.]

Mr. TIMBERLAKE. The organizations from which they come should be a sufficient warrant to the gentleman from Texas.

Mr. BLANTON. In most places of the country that would be true—in probably 97 out of 100 per cent of the cases—but I am sorry to say that even in the Army, and from a citizen holding a prominent position, hailing from the great State of Colorado, there have crept the principles of Bolshevism—

Mr. DYER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

NOMINATIONS FOR COMMITTEES.

Mr. KITCHIN. Mr. Speaker, I make the following motion to fill vacancies on committees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. KITCHIN moves the election of the following-named gentlemen as members of the following committees:

HATTON W. SUMNERS, of Texas, Committee on the Judiciary.
PETER F. TAGUE, of Massachusetts, Committee on the Post Office and Post Roads and Committee on Expenditures in the Department of Justice.

LILIUS BRATTON RAINY, of Alabama, Committee on Immigration and Naturalization and Committee on Coinage, Weights, and Measures.

EDWARD COKE MANN, of South Carolina, Committee on Public Buildings and Grounds and Committee on Industrial Arts and Expositions.

PHILIP HENRY STOLL, of South Carolina, Committee on War Claims and Committee on Reform in the Civil Service.

Mr. KITCHIN. Now, Mr. Speaker, a mistake was made in typewriting, and I wish to substitute the Committee on Public Buildings and Grounds, instead of the Committee on the Post Office and Post Roads, for PETER F. TAGUE, of Massachusetts.

The SPEAKER pro tempore. The gentleman from North Carolina asks to modify his motion by inserting the Committee on Public Buildings and Grounds instead of the Committee on the Post Office and Post Roads as the committee to which the gentleman from Massachusetts [Mr. TAGUE] is nominated. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from North Carolina.

The question was taken, and the motion was agreed to.

RE-REFERENCE.

Mr. ANTHONY. Mr. Speaker, I would like to ask unanimous consent for the re-reference of a letter from the Secretary of War addressed to the Speaker of the House on November 19. This letter was referred to the Committee on Military Affairs. It relates to claims and credit accounts of certain Army officers. The House Committee on Military Affairs decided it had no jurisdiction. The Committee on Claims desires to exercise that jurisdiction and asks that it be re-referred to the Committee on Claims.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent for a re-reference of a communication from the Secretary of War from the Committee on Military Affairs to the Committee on Claims. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. TIMBERLAKE. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. TIMBERLAKE. Mr. Speaker, I would like to renew my request for an extension of remarks by incorporating in the RECORD the resolutions I mentioned awhile ago.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD by printing certain resolutions passed by the American Legion of Colorado and the Order of Elks of that State. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, does not the gentleman know that practically every Member of the House has similar petitions presented to him?

Mr. TIMBERLAKE. There have been no petitions similar to these presented, to my knowledge; otherwise I would not have presented them.

Mr. GARD. I am entirely in sympathy with what the gentleman wants to do, but the rules of the House provide for the filing of these petitions in an orderly and proper way. Now, to say that one Member may come in with two petitions, of which possibly every other Member has duplicate copies—

Mr. BAER. Mr. Speaker, regular order.

The SPEAKER pro tempore. Regular order is demanded. Is there objection?

Mr. SNELL. I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. McKEOWN, for three days, on account of illness.

To Mr. KING (at the request of Mr. Brooks of Illinois), for 20 days, on account of important business.

To Mr. SUMNERS of Texas (at the request of Mr. RAYBURN), on account of sickness in his family.

WHEAT AND CORN MILL PRODUCTS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 468.

Resolved, That immediately upon the adoption of this rule the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 9755, being a bill to establish the standard of weights and measures for wheat and corn mill products. That there shall be two and one-half hours of general debate, one-half to be controlled by the gentleman from Indiana, Mr. VESTAL, and one-half to be controlled by the gentleman from Ohio, Mr. ASHBROOK. That at the conclusion of the general debate the bill shall be read for amendments under the five-minute rule, thereupon the committee shall rise and report the bill to the House with amendments, if any have been agreed to, that the previous question shall be considered as ordered on the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution is for the purpose of bringing before the House at this time for consideration the bill indicated, for standardizing the packages in which wheat and corn products are placed.

Mr. WINGO. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. For a question.

Mr. WINGO. This bill provides for standards of 5 and multiples of 5, or, rather, divisions of 100 pounds. Now, if this bill passes, those mills that have from time immemorial used the old standards of 8, 12, 24, 48, and 96, and the standard barrels of 196 pounds, will have to change their standards if their goods go through interstate commerce.

Mr. CAMPBELL of Kansas. But the trouble is there is now no standard of 196 pounds.

Mr. WINGO. There is no standard by Federal statute, but there is the universal custom in most parts of the country.

Mr. CAMPBELL of Kansas. In some of the States the standard is 196, and in other States it is 200, and the confusion has given rise to the necessity for this legislation. I understand the millers of the country, both those engaged in the production of flour and the production of corn products, are in favor of this bill.

Mr. WINGO. In other words, those who happen to be using the old standard in a great many of the States will have to conform to this new Federal standard. In other words, the Federal Government is going to tell them the size of container in which they will have to put up their flour.

Mr. CAMPBELL of Kansas. Certainly.

Mr. WINGO. Does the gentleman intend to bring in a bill standardizing clothes and the color of ties and socks, and all that sort of thing?

Mr. CAMPBELL of Kansas. No. That is another matter; that will probably not be brought before the House.

Mr. WINGO. There will be proposed a standard for babies next.

Mr. NEWTON of Minnesota. My understanding is that Congress is doing this for the purpose of establishing a standard throughout the land and that it does not apply to articles in interstate commerce.

Mr. CAMPBELL of Kansas. Mr. Speaker, I have no disposition to discuss the powers of Congress to deal with this question. There is no question about it. Congress is authorized to regulate standards of weights and measures throughout the country, and this resolution is for the purpose of giving the House the opportunity to do it now.

Mr. CRAMTON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will yield.

Mr. CRAMTON. It is the understanding of the gentleman that this bill is intended to have application to goods in intrastate as well as interstate commerce?

Mr. CAMPBELL of Kansas. Yes; certainly.

Mr. CRAMTON. That appears to be the understanding of the Bureau of Standards, and I think it would be under the provisions of the Constitution the gentleman refers to.

Mr. CAMPBELL of Kansas. I think so.

Mr. GARD. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. GARD. Is the bill H. R. 9755 a similar bill to the bill H. R. 4782, on which hearings were had?

Mr. CAMPBELL of Kansas. I am informed that it is the same bill.

Mr. GARD. The same bill?

Mr. CAMPBELL of Kansas. I am so informed.

I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, this resolution is reported unanimously from the Committee on Rules, and it was represented to the Committee on Rules that the bill which it makes in order was a unanimous report of the committee. The purpose of the legislation seems to be very good, indeed, and there is undoubtedly a strong demand for it from the milling interests of the country.

Mr. STEVENSON. Will the gentleman yield for a question?

Mr. GARRETT. I will.

Mr. STEVENSON. It has just been stated over here that this bill will regulate the packages in which flour and these products can be sold in intrastate commerce as well as interstate commerce.

Mr. GARRETT. Yes; that is my understanding.

Mr. STEVENSON. I want to ask the gentleman if he thinks Congress has the power to take away from the State the right to prescribe the packages that are sold within the State and which never go into interstate commerce?

Mr. GARRETT. Yes. The Constitution of the United States provides that Congress may fix standards of weights and measures.

Mr. STEVENSON. It may fix them in any kind of commerce or just in interstate commerce?

Mr. GARRETT. No; it has a general power.

Mr. WINGO. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. WINGO. There is quite a distinction between fixing the standards of weights and measures and fixing the standard sizes of packages. If you can do this, then we can fix the standard sizes of ladies' hats, can we not?

Mr. GARRETT. I do not care to go into the refinements of that. [Laughter.] The power is generally given under the Constitution to fix standards of weights and measures.

Mr. WINGO. Yes, of weights and measures; to fix standards of them, but not to apply them; not to tell how the standard shall be applied to containers. There is quite a distinction.

Mr. GARRETT. Whatever the situation may be—and I do not care to go into a discussion of the legislation—there is just one thing that I desire to call attention to, Mr. Speaker, and that is this—

Mr. CALDWELL. Mr. Speaker, will the gentleman allow me to interrupt before he goes into that?

Mr. GARRETT. Yes; I yield to the gentleman from New York.

Mr. CALDWELL. I wanted to ask the gentleman if there was pending before the Committee on Rules any request for a rule of more importance than this one?

Mr. GARRETT. Well, I do not know. This and one other were the only ones that were taken up for consideration—that is, for action—by the Committee on Rules this morning. It was stated that without this there would be no business to-day.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. LINTHICUM. I wanted to ask why in section 1 a distinction was made between—

Mr. GARRETT. Is the gentleman asking me about the bill?

Mr. LINTHICUM. Yes.

Mr. GARRETT. I had nothing to do with the framing of the legislation, and probably could not give the gentleman a satisfactory answer. He might take it up with members of the Committee on Coinage, Weights, and Measures.

There is one thing that I wanted to say about this rule itself. This rule has been drawn upon the theory that the bill was properly upon the Union Calendar. As a matter of fact, I am inclined to believe that the bill really belongs to the House Calendar, and that if a point of order had been made at the proper time it would have gone to the House Calendar. But no point of order was made, and the Committee on Rules felt that to consider it in the Committee of the Whole House on the state of the Union was in many respects more satisfactory, inasmuch as the bill presents an easier method of amendment, and so reported the resolution upon the theory that it was correctly upon the Union Calendar. That is all, Mr. Speaker, that I care to say.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. The House resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9755, and the gentleman from New York [Mr. HICKS] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9755, with Mr. HICKS in the chair.

The CHAIRMAN. The House having resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9755, the Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9755) to establish a standard of weights and measures for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes.

The CHAIRMAN. The Chair desires to make an announcement. The present occupant of the chair feels that it is one of the prime duties of a presiding officer to preserve order. This is due to gentlemen who address the committee and it is due also to Members desiring to listen to debate. So the present Chairman is trying rigidly to enforce the rule pertaining to order. [Applause.]

Mr. VESTAL rose.

The CHAIRMAN. The gentleman from Indiana is recognized. Mr. VESTAL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. Under the rule the gentleman from Indiana [Mr. VESTAL] is recognized for one-half of the time, one hour and a quarter.

Mr. VESTAL. Mr. Chairman, I want to take just a few minutes of the time of the committee to explain the different provisions of this bill and try to show the desirability and the necessity of this bill being enacted into law. The object, the purpose, of the bill is to fix the standard of packages of wheat-mill and corn-mill products, naming them. The first section of the bill sets out the particular products that are to be affected by the legislation, namely, flours, hominy, grits, meals, and all commercial feeding stuffs. The second section fixes the standard weight of the packages when packed, shipped, sold, or offered for sale in packages of 5 pounds or more.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield in reference to a question as to the next section?

Mr. VESTAL. Yes.

Mr. LINTHICUM. Why was a distinction made as to commercial feeding stuffs of 60, 70, and 80 pounds instead of 100 pounds? Why was not the same rule followed as to that?

Mr. VESTAL. I will come to that in a few moments. Section 3 provides the penalty for a person, firm, or corporation that packs or causes to be packed or ships or offers for shipment these products in any other size packages than those set out in section 2 of the bill.

Section 4 makes exemption of the standard packages when they are packed or intended for export, and packed according to specifications and directions of the foreign purchaser, and also provides how these are to be used and sold for domestic consumption if it becomes necessary to so sell them.

Section 5 provides that the Director of the Bureau of Standards shall make the rules and regulations necessary for the enforcement of the act.

Section 6 makes it the duty of the district attorney to cause proper proceedings to be instituted where violations occur.

Section 7 provides that the act shall not be construed as repealing certain sections of the Revised Statutes of the United States authorizing the use of the metric system, and section 8 fixes the time when the act shall be put into effect.

The standard unit of the flour barrel is fixed by some States at 196 pounds, but by a system of subdivisions there are really established three standard-sized barrels, namely, of 192 pounds, 196 pounds, and 200 pounds.

Mr. LITTLE. Mr. Chairman, will the gentleman yield for a question?

Mr. VESTAL. Yes.

Mr. LITTLE. Can the gentleman tell me whether 200 pounds of flour can be put into these 196-pound barrels easily enough?

Mr. VESTAL. Yes. I will get to that in a moment. Where some of the States have by law established a 196-pound barrel, or where they have established it by custom, they have failed to follow the subdivision for the one-half, one-quarter, one-eighth, and one-sixteenth, which would be, of course, 98 pounds for the half, 49 pounds for the quarter, 24½ pounds for the eighth, and 12¼ pounds for the sixteenth. While these States in general have established 98 pounds for the half barrel, we have States recognizing 49 pounds and 48 pounds for the quarter barrel and 24 pounds and 24½ pounds and 25 pounds for the eighth barrel, making, as I said a moment ago, really three standards—192, 196, and 200 pounds.

I might add here that a number of States have failed to adopt any standard for a flour barrel. Two or three years ago the Federal Trade Commission began an investigation of the matter from the standard of unfair competition, that it was impossible for millers in some States requiring a package of flour in 49-pound sacks to compete with States requiring or permitting 48-pound or 46-pound sacks in interstate commerce. A bill was introduced last session by the gentlemen from Ohio [Mr. Ashbrook], then chairman of the Committee on Coinage, Weights,

and Measures, substantially like the one under consideration. But on account of other business the bill was not considered by the House.

Mr. LAZARO. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. LAZARO. The gentleman from Tennessee stated a moment ago that this bill came from your committee with a unanimous report.

Mr. VESTAL. That is correct.

Mr. LAZARO. Did the committee hold hearings?

Mr. VESTAL. We had extensive hearings.

Mr. LAZARO. Was there any opposition to it?

Mr. VESTAL. Absolutely none.

Mr. LAZARO. And the parties interested—

Mr. VESTAL. Were before the committee. Now, as I said a moment ago, a number of States, to be exact, 17 States of the Union, have no laws or statutes in relation to the standard of the flour package. One State in the Union, namely, Texas, is now on the 100-pound-weight basis for all of the commodities mentioned in this bill. The Texas Legislature has recently passed a bill substantially like the one under consideration. A number of States have a correct subdivision of the barrel as now used, making 98 pounds, 49 pounds, 24½ pounds, and 12¼ pounds for a half, quarter, eighth, and sixteenth barrel.

Mr. LAZARO. Will the gentleman yield further?

Mr. VESTAL. Yes.

Mr. LAZARO. How can the State enact a law if it is left to Congress altogether under the Constitution to enact laws?

Mr. VESTAL. I think the States have a right to enact a law, but if a Federal law is passed it will take precedence over any State law.

Mr. LANHAM. If the gentleman will pardon me, I hold in my hand the law passed by the State of Texas in reference to this matter, and it seems that the custom or policy is to adopt or enact a law only where Congress has failed to legislate.

Mr. HAUGEN. Will the gentleman yield?

Mr. VESTAL. Certainly.

Mr. HAUGEN. Section 3 provides that it shall be unlawful to ship flour for sale when in package form not in the standard size. Is it the intention to prevent the local miller or farmer from selling grain of any weight in a gunny sack or a bran sack, and would he be subject to the penalty of \$500?

Mr. VESTAL. I do not quite catch what the gentleman means.

Mr. HAUGEN. If a country miller sells to a customer grain or feed or flour in a grain sack not of standard size, will he be liable for this penalty of \$500? In other words, what is the definition of the words "when in package form"? I take it, that there are some definitions and perhaps the courts have passed on it.

Mr. VESTAL. I am not sure about that; but I will say to the gentleman that I propose to offer an amendment to section 3 that will absolutely clear that matter up.

Mr. HAUGEN. I think that is a dangerous proposition. In other words, "when in package form" ought to be absolutely defined.

Mr. VESTAL. The question was brought up by the Department of Agriculture, and I have an amendment to take care of that proposition.

As I was saying, some States have a correct subdivision and other States have an incorrect series of subdivisions, namely, 98 pounds, 48 pounds, 24 pounds, and 12 pounds for the one-half, one-fourth, one-eighth, and one-sixteenth barrels.

The State of Georgia, for instance, specifies 96 pounds gross weight for flours, grits, and corn meals, and the State of North Carolina specifies the 25-pound sack for the one-eighth of a barrel. Hence Georgia is on the basis of 192-pound barrel and North Carolina on a 200-pound basis.

Also, by investigation it is found that the standards fixed are not mandatory ones in all transactions. Illinois, for instance, fixed the barrel "whenever no special contract should be made to the contrary." Connecticut specifies what the barrel shall contain "when sold by weight." This same law applies to the States of Massachusetts, Wisconsin, and South Dakota.

We also find that some unusual units, such as 80 and 175 pound sacks for feed products in Alabama; 17½ and 8½ pound sacks for corn-meal standards in Kansas and Oklahoma; and the 9½-pound sack allowed in Oregon.

I desire to insert in the RECORD as part of my remarks an abstract of the State laws fixing weights of standard barrels or sacks for flour, meals, and so forth, showing the subdivisions used, as I believe the same will be of interest to the Members of the House.

The matter referred to is as follows:

Abstract of State laws fixing weights of standard barrels and sacks for flours, meals, etc.

State.	Barrel.	Subdivisions in pounds.					Remarks.
		One-half.	One-fourth.	One-eighth.	One-sixteenth.	One-thirty-second.	
	<i>Pounds.</i>						
Alabama.....							Corn meal or chops, 6, 12, 24, 48, 96 pound sacks; 96-pound and 196-pound barrels, wood.
Arizona.....							Middlings, bran, chops, corn hearts, and all other ground feed products in bags or sacks, weighing 100, 175, except cottonseed hulls, which shall be in 80 and 100 pound sacks or bags; grits shall be sold only in barrels of 196 pounds or sacks weighing 96 pounds, except grits in paper cartons of not more than 5 pounds.
Arkansas.....							Nothing found through 1917.
California.....							Nothing found through 1915.
Colorado.....							Nothing found through 1916.
Connecticut.....	196						Nothing found through 1917.
Delaware.....	196	98					"When sold by weight." No change through 1917.
District of Columbia.....	196	98					Net weight. Flour, rye flour, or middlings of wheat for export. Indian corn-meal for export or to any port in United States where there are no inspection laws. Also hogsheds of 800 pounds net. This is a very old law. No change through 1919.
Florida.....							Nothing found through 1917.
Georgia.....	196						Flour, grits, and corn meal in barrels, net.
Do.....		96	48	24	12	6	In sacks, gross. Also 280 pounds and 140 pounds gross in sacks. No change through 1918.
Idaho.....	196	98	48	24	12		Wheat flour.
Illinois.....	196	98	49	24½			Corn meal per bushel sack 48 pounds, half bushel 24 pounds, quarter bushel 12 pounds, net. (Sess. Laws 1913, ch. 84, p. 341.)
Indiana.....	196						No change through 1917.
Iowa.....							Flour. "Whenever no special contract shall be made to the contrary."
Kansas.....	196	98	48	24	12		Corn meal—bushel, ½ bushel, and ¼ bushel sacks; 48 pounds, 24 pounds, 12 pounds.
Kentucky.....							No change through 1917.
Louisiana.....	196	98	48	24			No change through 1917.
Maine.....	196						Nothing found through 1917.
Maryland.....	196						Wheat and rye flour and corn meal, "net weight, either in wood or otherwise." * * * "Provided, That corn meal may be packed and sold in sacks of 35 pounds net, 17½ pounds net, and 8½ pounds net."
Massachusetts.....	196						Cottonseed meal, bran, shorts, tankage, oil meal, etc., and all feed from cereals 100 pounds per sack, net. (Gen. Stats., 1915, sec. 11721, as amended by laws, 1917, ch. 234.)
Michigan.....	196	98	49	24½	12½	6½	Nothing found through 1918.
Minnesota.....	196						Flour.
Mississippi.....	196	98	48	24			Corn meal, bolted or unbolted, 17½, 24, 35, 48, 98, and 196 pounds per sack or package; rice polish, 200 pounds per sack; rice bran, 143 pounds per sack; other bran, chops, and shorts, 100 pounds per sack; other feeds made from cereal of any kind, whether pure, mixed, or adulterated, 100, 150, and 175 pounds per sack or package.
Do.....	200						Fractional sacks and packages shall weight in the same proportion except as to meal, which weights shall only be as above.
Missouri.....	196	98	48	24			Flour. No change through 1918.
Montana.....							"Measured by weight." No change through 1917.
Nevada.....	196	98	49	24	12		"Mill products of wheat, corn, rye, or buckwheat." "No manufacturer * * * shall abstract any part of the mill products from the standard packages or fractional parts * * * and sell such package as a barrel or fractional part of a barrel." (Pub. Act 208, 1909, p. 372, secs. 1 and 4.) No change through 1917.
Nebraska.....	196	98	48	24	12		Flour.
New Hampshire.....							In all contracts barrel "shall mean 196 net pounds." Fractional parts of barrel shall require like fractional part of standard. (Laws 1913, ch. 560.)
New Jersey.....							Flour, net.
New Mexico.....							Meal, net. No change through 1918.
New York.....	196	98					Flour. No change through 1917.
North Carolina.....	196	98	49	25	12		Nothing found through laws of 1919.
North Dakota.....	196						Wheat flour.
Ohio.....	196						Cornmeal per bushel sack, 48; ½-bushel sack, 24; ¼-bushel sack, 12. (Laws of 1911, ch. 43, p. 37, sec. 11.)
Oklahoma.....	196	98	48	24			No change through 1919.
Oregon.....	196	98	49	24½			Flour, net.
Pennsylvania.....							Corn meal per bushel sack, 48 pounds; ½-bushel sack, 24; ¼-bushel sack, 12; net weight. (Laws 1913, ch. 70, p. 204.)
Rhode Island.....	196						No change through 1918.
South Carolina.....	196	98					Nothing found through 1917.
South Dakota.....	196	98	49	24½	12½		Nothing found through 1916.
Tennessee.....	196						Nothing found through 1913.

Abstract of State laws fixing weights of standard barrels and sacks for flours, meals, etc.—Continued.

State.	Barrel.	Subdivisions in pounds.					Remarks.
		One-half.	One-fourth.	One-eighth.	One-sixteenth.	One-thirty-second.	
Texas.....	Pounds. 200	100	50	25			Flour. Corn meal in sacks, bushel 50 pounds, $\frac{1}{2}$ bushel 25 pounds, $\frac{1}{4}$ bushel 12 $\frac{1}{2}$ pounds. Bran and shorts by 100 pounds in 100-pound bags. (Laws, 1919, H. B. No. 247.) Nothing found through 1919.
Vermont.....							Do.
Utah.....							"Every barrel of flour put up or manufactured in this State shall contain not less than 196 pounds of flour, and that every barrel of flour put up or manufactured in this State, and every barrel of flour shipped into this State, shall have the number of pounds contained therein plainly stamped on one head." (Laws, 1901, sec. 1913c.) No change through 1916.
Virginia.....	196						Nothing found through 1917.
Washington.....							Flour, net weight. (Sec. 3411 of Hogg's Code, Suppl. 1918, as amended by ch. 53, p. 220, acts of 1919.)
West Virginia.....	196	98	49	24 $\frac{1}{2}$	12 $\frac{1}{2}$		"A barrel of flour measured by weight shall contain." No change through 1917.
Wisconsin.....	196						Nothing found through 1919.
Wyoming.....							

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. NEWTON of Minnesota. The way the situation now is any large milling concern doing business in quite a number of States would have to have packages of a certain size to ship into one State and a different sized package to go into another State; but if this proposition passes the whole matter will be standardized.

Mr. VESTAL. The gentleman is correct.

Mr. TILLMAN. Will the gentleman state when the bill goes into effect?

Mr. VESTAL. So far as flour is concerned, one year after its passage or approval, giving the millers an opportunity to get rid of these different sized sacks.

Mr. TILLMAN. I understood the gentleman to say that before the committee which held extensive hearings on this subject no objection was offered to this bill.

Mr. VESTAL. That is correct.

Mr. TILLMAN. Does not the gentleman think there will be quite a lot of complaint upon the part of those who now have containers, which would not be standard containers when this bill passes, and who will have to get rid of them or lose them?

Mr. VESTAL. I hardly think so. I will say to the gentleman that the time given, one year from and after the passage of this act, will give millers ample opportunity, I think, to dispose of all of those odd-sized containers. They have a year after the bill is passed to get rid of these containers before this bill goes into effect.

Mr. TILLMAN. The value of these containers would be lessened greatly by the passage of this bill?

Mr. VESTAL. Yes.

Mr. TILLMAN. So it would be a vast loss to those who own those containers, which will not be standard under this bill.

Mr. VESTAL. In the hearings we had representatives before the committee from the National Wheat Millers' Association, the White Corn Millers' Association, and practically all of the milling industries in the country, and they were very positive in their statement that if we would give them one year to dispose of these odd containers they would have ample time, and they were very anxious that the bill be passed as soon as possible.

Mr. OLIVER. Will the gentleman yield for a question?

Mr. VESTAL. Yes.

Mr. OLIVER. The gentleman's statement relates largely to evils and abuses called to the attention of the committee, growing out of original packages as put up by the manufacturers. I am interested to know whether you had before the committee any representatives of business interests dealing in intrastate business? In other words, take the retail merchant, where he seeks to subdivide an original package into 12 $\frac{1}{2}$ pound packages, did you have representatives of such interests before you?

Mr. VESTAL. No. I will say to the gentleman that no representative of that kind was before the committee, but the committee had hundreds of letters from men engaged in such business favoring this bill.

Mr. OLIVER. In favor of the bill?

Mr. VESTAL. In favor of the bill. I want to reiterate that in all the communications that I have received, or that the committee received, with reference to this bill there has never

been a single communication but that was in favor of the immediate passage of the bill.

Mr. OLIVER. From the communications received by the committee was it apparent that very general notice had been given of the pendency of the bill?

Mr. VESTAL. Yes; that is true.

Mr. OLIVER. And your letters came from every section of the country?

Mr. VESTAL. From every section of the country.

Mr. OLIVER. And from every interest affected by the bill?

Mr. VESTAL. The gentleman is absolutely correct.

Mr. ROBSON of Kentucky. The gentleman stated that quite a number of States have passed laws affecting this same subject?

Mr. VESTAL. Yes; that is correct.

Mr. ROBSON of Kentucky. Does this bill undertake to govern all the intrastate business of those several States?

Mr. VESTAL. Probably the bill as it is drawn will affect the intrastate shipments.

Mr. ROBSON of Kentucky. Has Congress the power to control intrastate business?

Mr. VESTAL. There is no question about that. That has been discussed here and decided on quite a number of bills similar to this.

Mr. ROBSON of Kentucky. This law then will supersede all the State enactments?

Mr. VESTAL. That is correct.

Mr. HUTCHINSON. Did I understand the gentleman to say that the millers favor section 3?

Mr. VESTAL. As I said a moment ago, in all the communications that the committee have received there has not been a single one opposed to the bill.

Mr. HUTCHINSON. Do you know that if this bill should be passed in its present form, providing for only 25, 50, and 100 pounds, every man who sold flour would be subject to fine and imprisonment?

Mr. VESTAL. No.

Mr. HUTCHINSON. Do you know that flour put up in a package of 25 pounds dries out to a certain extent?

Mr. VESTAL. It is not necessary that the retailer put flour into 25-pound packages. It can be put into packages as small as 5 pounds.

Mr. HUTCHINSON. In packages which are any part of 200 pounds?

Mr. VESTAL. The decimal is 200 pounds.

Mr. HUTCHINSON. If a man puts flour into 25-pound bags and it does not state on the bag that it is 25 pounds when packed he is liable under this bill?

Mr. VESTAL. Yes; that is correct.

Mr. HUTCHINSON. How is the merchant going to prevent shrinkage?

Mr. VESTAL. I do not quite get the gentleman's question.

Mr. HUTCHINSON. In other words, flour weighs 200 pounds in a barrel when it is packed, but it will dry out 10 pounds by the time it gets to the consumer. How are you going to protect the man who sells the flour?

Mr. VESTAL. The Bureau of Standards, of course, will permit certain tolerances. There will be certain tolerances in these barrels.

Mr. HUTCHINSON. What is the use, then, of the law?

Mr. VESTAL. You must have certain tolerances in all these measures.

Mr. HUTCHINSON. At the present time a flour sack is marked. That is, the ordinary 12-pound sack has put on it "12 pounds when packed." Now, you are making it so that it has to be the exact weight, and it has to continue that weight until it is sold. I think it is one of the most ridiculous things I have ever seen.

Mr. WATSON of Pennsylvania. Will the gentleman yield? Mr. VESTAL. Yes.

Mr. WATSON of Pennsylvania. I notice in this bill you stop at packages of 5 pounds. Did the committee take into consideration the question of packages of less than 5 pounds?

Mr. VESTAL. That was considered by the committee.

Mr. WATSON of Pennsylvania. There are a great many packages sold of 1 or 2 pounds?

Mr. VESTAL. Yes.

Mr. WATSON of Pennsylvania. The people who buy them ought to be protected, because many are poor, especially in districts where there are a number of laborers.

Mr. VESTAL. That is a fact.

Mr. WATSON of Pennsylvania. They buy 1 or 2 pounds.

Mr. VESTAL. That is true.

Mr. WATSON of Pennsylvania. They are not protected. You are only taking care of the person who is rich enough to buy 5 pounds. Did you take that into consideration?

Mr. VESTAL. Yes; that was taken into consideration.

Mr. WATSON of Pennsylvania. Why was it not adopted?

Mr. VESTAL. I will explain that to the gentleman, I think, to his satisfaction. The first bill provided for packages down to 1 pound, with an exemption clause covering the specialty products that were packed in containers, such as certain kinds of pancake flour and things of that kind that were specialties. Of course, the specialty manufacturers desired that in the bill. Some objection was made, and then the committee authorized the chairman of the committee to introduce this bill as a substitute to the other bill, making it apply only to packages of 5 pounds or more, which leaves out the specialty packages, which are all under 5 pounds. It is true that on the East Side in New York and on the West Side in Chicago packages of flour are sold in 3½-pound containers. A 7-pound package, as I get it from the investigation, is often sold, and then that is split into two 3½-pound packages and sold to the poor people; but the flour is usually weighed out to them, and I can not see where it would affect them at all.

Mr. WATSON of Pennsylvania. Not only flour but poultry feed and a great many products from grain are sold in small packages. I notice that the testimony before the Committee on Agriculture developed instances where a great many packages were slight in weight, particularly those holding 2 or 3 ounces. It seems to me that if you are going to protect all of the American people, you should protect the poor as well as the rich.

Mr. VESTAL. Oh, I believe they would be protected.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. ROSE. The gentleman has already made mention of the fact that there are at least three standards now in vogue. Was there not testimony introduced before the committee showing that certain dealers in flour could not be fairly dealt with in contracts for large amounts of flour for the reason that in some States 196 pounds were taken as a standard for a barrel and in other States 200 pounds, and, therefore, those who could deliver 196 pounds were in a position to bid much lower for a large amount of flour?

Mr. VESTAL. That is true.

Mr. ROSE. Will not this bill correct that evil?

Mr. VESTAL. It will. The Constitution of the United States wisely provides that Congress shall have the power to fix standard weights and measures for this country. The several States, or, as I have mentioned, a part of them, have defined by statutes, enacted in the exercise of their police power, varied and conflicting standards of weights and measures for cereals sold in bulk. As I have said, the purpose of this bill is to eliminate the present variations and conflicts in the State standards, whether fixed by statutes or custom, whereby a single and uniform standard of weights and measures for the products mentioned herein will be made effective throughout the United States. It is certain in my mind that the public will be greatly benefited by such Federal statute for the reason that the existing variation and conflict in standards recognized or permitted in the different States results in an increased cost of production, inasmuch as the millers necessarily have to carry a great and varied assortment of containers to meet the different standards and also in the inequitable treatment of

the consumer. I had one letter from a milling concern in which it was said that the passage of this law would save that concern at least \$100,000 a year in containers, because they had to carry such a different assortment of containers.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. DUNBAR. In section 7 reference is made to the authorization of the metric standard in that in the standards as fixed they shall be as contained in this bill; yet the authorization of the use of the metric system has never been repealed. If the metric system is authorized and a man should sell flour under that system of measurement, would he be violating the law?

Mr. VESTAL. Oh, I think not.

Mr. DUNBAR. Would the gentleman digress to inform the committee if his committee expects to report a bill authorizing the adoption of the metric system for use in the United States?

Mr. VESTAL. I would say to my colleague that there will probably be a bill of that kind introduced and hearings will be had upon it before the committee.

Mr. DUNBAR. If that bill is introduced at this session and becomes a law it will supersede this act.

Mr. VESTAL. It will not affect this at all, because this is put on the decimal system anyway. This bill puts the sale of flour on the decimal system.

Mr. DUNBAR. But the metric system of weights and measures is entirely different from what we have to-day. If the metric system is adopted we will no longer have pounds or ounces or miles or such measures. All will be changed.

Mr. VESTAL. I think that is a bridge that we can cross when we come to it.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Certainly.

Mr. YOUNG of North Dakota. I would like to ask the gentleman who requested this legislation? Was there any general call for it? Where does it come from?

Mr. VESTAL. The National Millers' Association, the Corn Millers' Associations, and all of the different interests, the Grain Dealers' Association—men who are interested in the production of flour and corn meal and in the sale of the same.

Mr. YOUNG of North Dakota. The idea is that those who make flour and ship it and handle it believe they could do so with greater convenience if the flour was put up in these packages or in these weights.

Mr. VESTAL. That is true, and also they will all be placed upon the same basis. That is, a milling concern in one State, where the standard is 196 pounds to the barrel, selling flour in another State, where the standard is 192 pounds to the barrel, would be placed on an equal basis with others. It would avoid that unfair competition. This proposes to standardize the weights in every State in the Nation so that they will all be on the same basis. I think there is no question but that if this bill is passed it will benefit the consumer for the reason that it is going to relieve the manufacturer of hundreds of thousands of dollars of cost that he has to carry now in overhead on account of the different kinds of containers that he has to keep. Take a miller, for instance, in Pennsylvania. He must keep different containers to sell to the people in Virginia and to the people in the other States surrounding Pennsylvania. If we have one standard they will all keep one size container.

Mr. YOUNG of North Dakota. I want to say to my colleague that the only letters that I have received in respect to this bill have been from dealers, and they are against the bill; that is, from manufacturers.

Mr. VESTAL. On this bill?

Mr. YOUNG of North Dakota. These two manufacturers of flour have written protesting against the passage of this bill. But I want to say, and I am perfectly frank with my friend, that it looks to me, from the statement and from what I can find in this bill, that it is one which the flour manufacturers ought not to object to.

Mr. VESTAL. I think no manufacturer of flour should object to this bill if he wants to deal square in his sale of flour.

Mr. YOUNG of North Dakota. It does seem on its face, so far as the retail trade is concerned, there is a chance of a good deal of juggling with the merchant if he has bags of flour in his store of different weights, because the ordinary man who buys it simply goes in and says, "Let me have a sack of flour," and does not stop to inquire how many pounds are in it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. VESTAL. I will yield to the gentleman.

Mr. CHINDBLOM. Will this bill affect packages for export trade?

Mr. VESTAL. Not at all. I will now yield to the gentleman from Ohio.

Mr. GARD. I want to ask the gentleman if there has been any recognition of the statement made by Mr. Clark, on page 53 of the second section, part 2, wherein he says:

It would seem that we are considering this bill from an entirely different standpoint from what was originally intended, which was to cover the product of wheat flour, in fact, in large sacks and barrels. Later it developed that the corn millers come in.

He said:

In my judgment you will have to abandon this bill and formulate an entirely new bill, because this bill was only formulated to cover wheat flour, and when you add to it you are going to make difficulties for yourself and everybody else, and you are not going to accomplish anything.

What about that statement?

Mr. VESTAL. I will explain that to the gentleman. As stated a moment ago, I believe the gentleman from Ohio asked if these hearings were upon the bill—

Mr. GARD. H. R. 7482.

Mr. VESTAL. That bill, if the gentleman has read it—

Mr. GARD. I have read it.

Mr. VESTAL. Instead of naming flours, hominy, grits, and meals, and all commercial feeding stuffs, simply says, "wheat flour and corn products for human food." It developed in the hearing that corn products for human food would also take in certain sirups made out of corn, and the corn-milling industry that is interested in the making of sirups said that if we pass this bill we would put them into unfair competition with other firms that manufacture sirup out of something else. It was not intended to cover things of that kind, and so, as a substitute to that bill and to get away from that provision of it, this bill was authorized to be introduced, naming the things that would come under this bill.

Mr. GARD. Of course, as to sirups, as the gentleman probably well knows, and probably better than I, the question of weights and measures would be within the prerogative of the committee; but I gather from the two bills that the committee has taken up the question of the measures of dry food.

Mr. VESTAL. That is correct.

Mr. GARD. And limiting it to that.

Mr. VESTAL. The gentleman is absolutely correct.

Mr. REED of West Virginia. Will the gentleman yield for a question regarding the bill?

Mr. VESTAL. Certainly I will.

Mr. REED of West Virginia. If some retail dealer selling to the domestic trade desires a 9-pound package or a package a little smaller than some of the standard sizes designated in this bill, is not there a way under this bill by which he can get such odd-sized packages?

Mr. VESTAL. I think they can weigh out to retail dealers, certainly.

Mr. REED of West Virginia. Could they not get such products in original nonstandard packages under this provision? Could not a miller or dealer pack under some standard of Germany or of France for contemplated foreign trade smaller-sized packages and later change his viewpoint and sell these odd-sized packages for American domestic trade?

Mr. VESTAL. Correct, under certain provisions.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. VESTAL. I will.

Mr. MANN of Illinois. I notice in section 8 of the bill that as to wheat-flour products that it makes the bill take effect one year after the passage and approval of this act—and I might suggest a bill often becomes a law without approval—and it makes the bill take effect for corn products 90 days after the bill becomes a law. Are not a great many of these corn products packed by people who have to order containers a considerable period in advance under existing conditions?

Mr. VESTAL. I think that is true. I will say to the gentleman I think the reason that was fixed at 90 days is that the Food Administration, when the war broke out, compelled the corn millers to use this basis we have placed in this bill. The corn millers were very anxious to graduate from the Food Administration control to the new decimal principle since the war is over, and they have this as a standard, so they are really on this basis now.

Mr. MANN of Illinois. This would not affect—

Mr. VESTAL. It would not. It would affect to some extent, I will say to the gentleman, some corn millers who, I think, had to go back and use different sized packages from those contemplated in this bill because of the competition. But as a general rule the corn millers are still using the decimal weight as mentioned in this bill, just as they were compelled to do by the Food Administration at the beginning of the war and all through the war.

Mr. MANN of Illinois. I know nothing about it personally except what experience I had in regard to the pure-food law. But frequently the producer of these articles has to order his packages quite a long time in advance.

Mr. VESTAL. That is true.

Mr. MANN of Illinois. Now, if he has his packages, legal at present, he ought to be given a reasonable time in which those packages can be disposed of, and also be given a reasonable time in which to obtain new packages or a new standard.

Mr. VESTAL. That is absolutely true. I want to call the gentleman's attention to page 63 of part 3 of the hearings on that very subject.

Mr. BRAGGS, of Texas, a member of the committee, asked Mr. Husband this question. Mr. Husband is secretary of the National Millers' Association:

Is the time limit specified in section 8 of the proposed revision sufficient to enable the corn millers and others brought within this bill to adjust themselves to it without any inconvenience or expense, particularly to the people as well as to the mills?

Mr. HUSBAND. I am glad you asked that, because I had a letter from Mr. Genung, who was here last week and made a statement in favor of the bill, calling attention to the fact that the National Association of White Corn Millers, of which he is president, feels that they would not like to see those features of the bill which pertain to corn flours and corn meals, hominy, and grits effective at once, because they have been compelled, by reason of competition, to go back to the purchase again of the old-size sacks, the pound sacks and the nines, and the 13 pounds, and whatever the corn-mill packages were before that industry was put on the decimal basis by the Food Administration. They had hoped they might graduate from the Food Administration control to the new decimal principle by reason of this new legislation; but it has been a good while and they have since been compelled to go in and purchase sacks of the old style. Mr. Genung did not specify any time, but some of the others interested in that trade said they thought 90 days would be sufficient for them to work off those corn-products sacks.

Mr. OLIVER. The reasons for requiring a certain standard for the original packages put up by the miller or manufacturer, I think, are very wise and sound, but I am at a loss to understand why those reasons apply to the retail merchant when the established custom in his locality suggests that his customers demand packages different from what you herein provide, and as to which I understand you had information before your committee. Now, what wise public policy is subserved by stipulating what size package a local community shall buy these food-stuffs in from the retail merchants?

Mr. VESTAL. I will say to the gentleman—and I only know from my own experience—I go in and ask for a sack of flour, and I never think about the weight of the flour. Now, that sack may contain 24 pounds of flour; it may contain 24½ pounds of flour; it may contain 12 pounds of flour; and under this bill, if you go in and ask for a sack of flour, it must contain 25 pounds net, or it must contain 10 pounds net, or it must contain 5 pounds net. It seems to me that the consumer is the fellow who is going to benefit by this bill more than anybody else.

Mr. OLIVER. The consumer is protected by existing law against false weights. This bill primarily is intended to provide uniform weights for the original package. That certainly seems to be the main purpose the committee had in mind.

Mr. VESTAL. That is correct.

Mr. OLIVER. Now, in many localities the original package is subdivided for the retail trade, and the local demand largely determines what the subdivided packages shall be, and there are customs prevailing in some sections calling for 12½-pound packages and in others for an 8-pound package. Now, what public policy is to be subserved by forbidding a retail merchant from adapting his sales to a local custom found wise in these localities?

Mr. VESTAL. Suppose a retailer would buy a barrel of flour; he can sell that flour in any size package that he weighs it out in.

Mr. OLIVER. I question it under this bill as drawn. Now, I thought perhaps that the committee might be willing to so modify it as to at least provide that that can be done.

Mr. VESTAL. The committee, of course, is desirous of getting a bill that will benefit everybody.

Mr. HULINGS. Will the gentleman yield for a question?

Mr. VESTAL. Certainly.

Mr. HULINGS. I see here in section 7 that the act authorizing the use of the metric system is not repealed, but you forbid the use. Now, I would like to ask if your committee has ever considered, instead of this hodgepodge thing that has been going on all these years, the adoption of the metric system, which is the scientific, plain, easy system that could be understood in any part of the world? Every State now has the right to establish its own standard of weights and measures until it is ousted by action of Congress. Now, do you not think it would be a good time, instead of adding somewhat more to this hodgepodge, if the committee would go to work and consider the adoption of the metric system?

Mr. VESTAL. I would say to the gentleman there will probably be a bill introduced at this session of Congress on that very proposition.

Mr. HULINGS. If that is going to be introduced with any idea of its passing, is not this surplusage?

Mr. VESTAL. I hardly think so. Let us try and correct the present system. With this law upon the statute books the consumer who buys an eighth of a barrel of flour will receive 25 pounds net weight, whether he buys in the State of Maine or California, instead of 24½ pounds or 24 pounds that he now receives.

The manufacturer likewise in packing certain products for shipment knows that every other manufacturer of the same products must pack in the same sized container, containing the same number of pounds. Hence this bill, in my judgment, will benefit both the trade and the consumer.

Now, just one word about the different subdivisions used in the packing of commercial feeding stuffs. Some gentleman asked me that question a moment ago. I do not remember who it was.

Mr. GARD. Mr. Chairman, would it embarrass the gentleman to ask him a question right there?

Mr. VESTAL. Not at all.

Mr. GARD. From my reading of the bill I notice that it applies only to 5, 10, 25, and 50 pound packages, with the establishment of an additional standard of 100 pounds. Nothing under 5 pounds is considered in this bill. Is that correct?

Mr. VESTAL. Yes. Nothing under 5 pounds is considered in this bill.

Mr. GARD. Being interested, as I think we all are, from the standpoint of the consumer, does not the gentleman believe that nearly every consumer, especially those who buy in the large cities, indeed those who buy anywhere the so-called specialized products, are compelled to buy less than 5-pound packages?

Mr. VESTAL. This bill does not prohibit that.

Mr. GARD. It does not prohibit it specifically.

Mr. VESTAL. It does not affect the specialties at all.

Mr. GARD. I find here in the hearings references to Quaker Oats, and Aunt Jemima Pancake Flour, and Wheatena, and Postum Cereal Coffee, and various other cereal foods, the prices of which have recently been advanced in varying degrees, and they do not change the size of the package. Quaker Oats, for example, has been advanced from 25 to 30 per cent; Aunt Jemima from 25 to 35 per cent; Wheatena, 35 per cent. Postum Cereal has advanced, but they do not say how much. Now, as I remember it from the testimony of the representatives of these concerns, they have specially adapted machinery which provides for the packing and the cutting of the packages and the packing into receptacles. They do not want any change.

Mr. VESTAL. That is right.

Mr. GARD. Why is it not of advantage to the consuming public to have standard weights and measures for these cartons which are of such general use by the consumer?

Mr. VESTAL. I am frank to say to the gentleman from Ohio that I think it would be a good thing, but the committee felt that to take those specialties in under this bill would make it impossible to get the bill out and passed by the House. The committee felt that this bill was the starting point upon the proposition, and that if we wanted to take up these specialties later on they could be taken up under another bill.

Mr. GARD. I will say to the gentleman that if you do not get them under this bill you never will, because this is the favorable time for the enactment of such legislation as this. When other important matters come up later there will hardly be any prospect of taking it up again.

Mr. VESTAL. The committee was satisfied after the hearings that really as to the specialty products packed in these special sized packages or cartons it was to the advantage of the consumer not to bother with them. For instance, merchants sell certain kinds of breakfast foods in 8-ounce packages. They sell those in carloads to the Army. They sell them in a certain sized package which is supposed to be sufficient to feed one soldier, and they claim that if that were put into a larger sized package the contents would deteriorate.

Mr. GARD. The hearings developed the fact that one man said packages of corn products sell in 8-ounce cartons and 13 ounces and another of 55 ounces and 20 ounces. Why is it not a good plan to have this regulated by the enactment of a law of the United States? The matter of the consumption of oats and corn products is something which applies to every one of us on the breakfast table every morning. Nearly everybody eats a cereal product.

Mr. VESTAL. That is true.

Mr. GARD. And it is of more immediate consequence to the consumer to have a standard of the thing he uses than to have a standard of the more bulky articles. Does not the gentleman agree with me on that?

Mr. VESTAL. I do not know. The committee, I think, was satisfied, after the hearings, that the public demanded, so far as these special products are concerned, certain sized packages; that is, it would be shown by the sales that the packages which the factories had been putting out for years were about the sizes that were suitable to the consumer, and therefore to change that and to make a different sized package and to compel them to pack in a larger size package might result in the contents deteriorating, and it would cost hundreds and thousands of dollars to change the machinery to make these specialty packages, and it would probably result in a greater cost to the consumer of these different products.

Mr. GARD. The thing that the public suffers from, in my observation, is the desire—if one may use that word correctly; the practice probably is the better word—of persons who sell to the ultimate final consumer of giving short measure and short weight. That is an evil that is recognized all over the country, and people are easily taken in by it, because hardly anyone stops to investigate either the measure or the weight. They must rely upon the standard. Now, if we can rely upon a standard, why is it not the best plan to have the standard apply to the things that are of the most immediate and constant use?

Mr. VESTAL. Of course, these packages must all bear on the outside the net weight. That is compelled under the pure food and drugs act.

Mr. GARD. I understand that. Another question let me ask under section 3. The gentleman is familiar with the bill, and I ask the question for information. Under section 3 is it possible for me to go into a grocery store in my town and buy 4 pounds of flour and have it put into a sack and take it home?

Mr. VESTAL. Yes, sir.

Mr. GARD. I notice from the reading here that it says that it will be "unlawful for any person to sell or offer for sale wheat-mill and corn-mill products, flour," and so forth, which in package form shall not be one of the standard sizes, and so forth.

Mr. VESTAL. That, of course, refers to it in package form.

Mr. GARD. What is meant by "package form"? Does it mean some regular pasteboard container, or a sack or bag such as flour is commonly sold in?

Mr. VESTAL. I do not know whether I am competent to say what that term "package" means.

Mr. GARD. It strikes me that it is a material element, because if it is the intention of this bill to prescribe to the manufacturer or seller the size of the package he manufactures or sells, some steps should be taken to prevent the sale of 3 pounds of flour for 4 pounds to a poor person. That is not provided in the bill.

Mr. VESTAL. Oh, no; but the bill provides that this shall not have any effect except as to packages of over 5 pounds.

Mr. GARD. Yes, in packages.

Mr. VESTAL. They must be over 5 pounds. Now, you can sell 3½ pounds or 1 pound or 2 pounds or 4½ pounds.

Mr. YOUNG of North Dakota. Without any restraint?

Mr. VESTAL. Without any restraint.

Mr. GARD. How about 7 pounds?

Mr. VESTAL. I am of the opinion that they might sell 6 or 7 pounds by weight, unless it is in package form, put up in packages.

Mr. GARD. I know personally that some of the Minnesota millers have packages of flour in 6-pound packages—I think the Ward & Crosby people.

Mr. VESTAL. Yes; that is true.

Mr. GARD. Six-pound packages.

Mr. VESTAL. Those will be eliminated.

Mr. GARD. There will be no more 6-pound packages?

Mr. VESTAL. No more 6-pound packages.

Mr. GARD. They will have to be 5 or 10 pounds?

Mr. VESTAL. Yes; if they are put up in packages or containers.

Mr. GARD. Suppose I am a retail merchant, and suppose I buy a barrel of flour and a man from my neighborhood wants to buy 6 or 7 pounds of flour. Can I sell him that out of the barrel?

Mr. VESTAL. I should think so, without any question.

Mr. GARD. And the third section, you think, would not apply to me?

Mr. VESTAL. I do not think it would.

Mr. ANDERSON. Will the gentleman yield for a question?

Mr. VESTAL. Yes.

Mr. ANDERSON. I have looked the bill through and I can not find anything in it to justify that opinion. What does the gentleman base that opinion on?

Mr. VESTAL. Section 3 provides:

That it shall be unlawful for any person, firm, corporation, or association to pack, or cause to be packed, to ship or offer for shipment, or to sell or offer for sale, the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, which, when in package form, shall not be one of the standard sizes established in section 2 hereof and bear a plain, legible, and conspicuous statement of the net weight contained therein.

Mr. ANDERSON. A man can not carry away 5 pounds or 50 pounds of flour or mill feed in his coat pocket.

Mr. VESTAL. I understand that; but the package meant here is where the package is put up and labeled "5 pounds." He can not put up a package and label it and sell it for 6, 7, or 8 pounds. If you go in and buy 8 or 9 pounds of flour from a barrel, it can be put in a container and carried away.

Mr. ANDERSON. Then let me ask the gentleman this question: Suppose a farmer goes to a mill and takes his sacks there, as farmers ordinarily do, and he buys 600 pounds of mill feed and they put it up in sacks. Some of them weigh 93 pounds, some 97 pounds, some 84 pounds. Now, under a strict interpretation of this act, sales in that form would be in violation of the law.

Mr. VESTAL. I do not think that is the correct interpretation. Yet this bill is designed to protect the farmer who takes his grain to the mill and in return gets commercial feedstuff, bran, or shorts. My little experience in taking wheat to the mill and getting commercial feedstuffs is that you can not put a hundred pounds of bran in a sack, and so we reduced the weight to 60, 70, and 80 pounds, so as to protect the consumer and see to it that the sack will hold his 80 pounds; that he gets 80 pounds in that sack. If we had left it 100 pounds, they might give him a sack supposed to contain 100 pounds, but which would not contain 100 pounds and only contain 80 pounds. That was the idea, at least.

Mr. ANDERSON. If it happened to contain 83 pounds, it would be sold in violation of this law.

Mr. VESTAL. He would get that much more.

Mr. ANDERSON. I do not think so. I think it would be a violation of the law.

Mr. VESTAL. I am sure it would not be a violation of law.

Mr. DUNBAR. In section 2, to which section 3 refers, the expression "standard package" is used. Now, a barrel of flour is to be of the standard weight of 200 pounds. In selling flour in package form these weights which are prescribed are intended to mean in half-barrel, quarter-barrel, and eighth-barrel lots. That is the standard package; but I do not take it that any man would be prohibited from offering for sale flour not in standard packages in any amount that the customer might wish to purchase.

Mr. VESTAL. I do not think so. Now, just one clause more about the different subdivisions.

Mr. WATSON of Pennsylvania. Will the gentleman yield?

Mr. VESTAL. In just a moment. In the subdivisions used in packing the commercial feedstuffs, as was mentioned by the gentleman from Minnesota [Mr. ANDERSON], 60, 70, and 80 pounds are set out so as to take care of the cases where a farmer uses his own sacks in taking the wheat to the mill and buying feeding stuffs. Probably it would be impossible to put 100 pounds of feeding stuff in a 100-pound sack. So the lesser weight was provided for sacks containing commercial feeding stuffs.

Mr. WELLING. Would it mean that a farmer who took 20 burlap sacks to the mill in which to get feed would have to get 60, 70, or 80 pounds in each sack? Suppose a sack would hold 90 pounds or 100 pounds?

Mr. VESTAL. There would not be any reason why he would not buy that; but if the miller was selling the container, the standard must be 100 pounds, but on account of feeding stuffs being lighter in weight the 60, 70, or 80 pound containers are authorized. That is, he could not put out commercial feedstuff in a 100-pound sack when the sack did not contain that much and could not contain that much, and this bill makes it lawful to use 60, 70, and 80 pound containers.

Mr. WELLING. Is it not a fact, known to every man who has had any experience on the farm, that no two sacks will hold the same amount?

Mr. VESTAL. That is correct.

Mr. WELLING. The farmer will go to mill with 25 sacks, and no two of them, if they are filled to their capacity, will weigh the same.

Mr. VESTAL. That is correct.

Mr. WELLING. Now, are you going to compel the miller who sells that feed to use a sack which shall contain exactly 60, 70, or 80 pounds and stop there?

Mr. VESTAL. We are going to compel the miller, if he sells a sack containing 80 pounds, to see that the sack contains 80 pounds.

Mr. WELLING. Suppose the sack contains 95 pounds?

Mr. VESTAL. I do not think there is any reason in this bill why you can not put 95 pounds in a sack and buy it by weight; but if the miller is selling standard packages the standard package must contain 60, 70, 80, or 100 pounds. If it contained more, there would be no objection to it, but it must contain that.

Mr. WELLING. Then, if I go to the mill, I can get a ton of feed in any number of sacks I want to get it in.

Mr. VESTAL. I should think so.

This bill has the indorsement of the Millers' National Federation, American Corn Millers' Federation, National Association of White Corn Millers, the State sealers of Minnesota and of Wisconsin, the National Grain Dealers' Association, the Department of Agriculture, the Department of Commerce, the Bureau of Standards, and hundreds of independent millers from every State in the Union.

In my judgment, it is a very important piece of legislation and should be enacted into law.

I might say here that after the bill was introduced in its present form the Secretary of Agriculture called my attention to section 3 in the bill, and said that probably in its present form it would be a conflict of authority, as the pure food and drugs act is under the control of the Department of Agriculture. This bill provides for the Bureau of Standards having control.

I expect to offer, when the bill is read for amendment, an amendment to section 3 striking out, in line 20, beginning with the word "hereof," the balance of the line, and line 21 and line 22, down to and including the word "therein." The Bureau of Standards believes that the local State laws will take care of any intrastate shipments, and under the pure food and drugs act the interstate shipments will be taken care of.

Mr. GARD. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. GARD. This only applies to packages marked on the back with the net weight. Now, on the question of weight I desire to ask the gentleman this question: Can the gentleman advise me the difference in weight in an 80-pound package, where it is manufactured and weighed and labeled 80 pounds, and what the weight will be, say, 60 days thereafter?

Mr. VESTAL. I can not state.

Mr. GARD. Is there any difference?

Mr. VESTAL. There probably would be a difference.

Mr. GARD. It would be lighter by the drying-out process, would it not?

Mr. VESTAL. Probably so.

Mr. GARD. Nevertheless, it would be sold by the old weight when it left the factory. It would sell for 80 pounds, although it does not weigh 80 pounds, because it weighed 80 pounds at the time it was put up.

Mr. VESTAL. I do not know how that could be remedied.

Mr. GARD. It could be remedied by having the actual weight at the time of the sale. Under this bill he can sell something for 80 pounds of commercial feed which, in fact, at the time of the sale might not weigh more than 75 pounds.

Mr. VESTAL. I do not know, but I should not think there would be that shrinkage.

Mr. GARD. It might be 4 or 5 pounds in an 80-pound sack, might it not?

Mr. VESTAL. It may be, but I should hardly think so. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed one hour and seven minutes.

Mr. VESTAL. I reserve the balance of my time.

Mr. WATSON of Pennsylvania. If the gentleman will yield to me, I want to say that I am in harmony with the gentleman from Ohio [Mr. GARD] in regard to marking small packages, and it is my purpose to introduce an amendment to that effect.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. ASHBROOK] for 1 hour and 15 minutes.

Mr. ASHBROOK. Mr. Chairman, the chairman of the Committee on Coinage, Weights, and Measures for the past hour or more has been endeavoring as best he could—and I may say has succeeded well—in explaining this bill. It is not my desire or intention to take more than a moment of time. I want to say that for a number of years there has been considerable clamor for this legislation. I might say in all frankness and sincerity that I believe the desire for the passage of the bill comes chiefly

from the millers and the manufacturers. I am, however, of the opinion that the people of the country at large are as well advised as to this bill as they are of the general run of legislation.

Mr. TILSON. Will the gentleman yield?

Mr. ASHBROOK. I will.

Mr. TILSON. Is there anything in this bill to which the consuming public could object? In other words, is there anything concealed therein that is liable to be of a disadvantage to the purchasing public?

Mr. ASHBROOK. I will say to my friend that I was about to remark that so far as I have been able to pass upon the bill—and I have given the matter some consideration, not so much as some other members of the committee during the past session, but I have for several years given this legislation some consideration, and it is my honest and humble opinion that there is nothing in the bill that is not in the best interests of the consuming public or the people at large.

I think the standardization of weights and measures is desirable, not only for the sale of food products as included in this bill but also in a general way. I believe that all the States should have the same weights and containers for food products and other commodities, so that if you live in Ohio and you buy in Massachusetts or Connecticut you know that you are getting the same weight that prevails in your own State and that there is no loss by buying in other States.

I was about to say that this committee has had extensive and exhaustive hearings on this bill. It is true that those who appeared before the committee were largely those interested in the manufacture of these products, and so far as I know none of those who represent the consuming public at large appeared before the committee; but, as has been stated by the chairman of the committee, I have never heard of a single protest against this bill or against this legislation.

This bill for several years past has been well advertised in the papers and magazines of the country, so that the public has had advance notice that this legislation was pending. If it was not in the interest of the consuming public it would seem a strange condition of affairs that some member of the committee or some Member of the House should not have received protests against the bill.

So far as I am able to state, I know of no objection upon the part of anyone to the bill. In my judgment, it is good legislation. That was the judgment of the committee. It is a unanimous report of the committee, and I believe the bill should pass.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. GARD. The gentleman is a prominent member of the committee. Can he tell me by whom the bill was prepared?

Mr. ASHBROOK. The gentleman asks me, and I am not going to give him an evasive answer, but will tell him the truth. I believe it was prepared by a Mr. Husband, who is the head of the Millers' Association of the United States.

Mr. GARD. I note that on page 62 of the hearings, Mr. ASHBROOK is quoted as saying this:

And in this particular case I think it is right and proper that those gentlemen who have the best knowledge of the matter and have the matter in hand should prepare the bill.

It was in that connection that I asked the gentleman who did prepare the bill. The gentleman says that a representative of the milling interests prepared it.

Mr. ASHBROOK. If I am not mistaken that statement which the gentleman reads from the hearings, made by myself, grew out of the fact that the bill as it was first introduced included breakfast foods and small-package cereal foods. Serious objection was raised to their being included in this bill.

Mr. WELLING. Who objected to their being included?

Mr. ASHBROOK. All of the manufacturers of breakfast-food products.

Mr. PARRISH. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. PARRISH. In connection with the suggestion that the bill may have been prepared by certain gentlemen, I would like to ask the gentleman from Ohio if it is not true that this bill, almost identical in form, has already been passed by several States in the Union, at least in the State of Texas, and is now a law on the statute books of those States?

Mr. ASHBROOK. That is my understanding, and I would further state to the committee that one thing that influenced me in favor of the bill was not so much the fact that the Millers' Association was demanding it, but the Bureau of Standards has been an ardent advocate of the passage of this bill, and I feel that we ought to give some consideration to that branch of our Government.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. NEWTON of Minnesota. The gentleman has mentioned the fact, and so also did the chairman of the committee, that there were no protests against the bill. I wish to say that I have received some from certain milling interests in Minnesota, most of which stated certain objections to it in a sort of propaganda form—at least, they were very similar—and the impression seemed to be that this was an attempt on the part of Congress to regulate packages through interstate commerce. When it was explained to them that Congress was exercising its power under the Constitution to establish a standard, and that this would wipe out the present 48 standards in the different States, a great many of the objectors withdrew their objections, although that is not universally true.

Mr. ASHBROOK. I thank the gentleman for his statement, and I would inquire of him whether or not he filed any of those protests with the committee?

Mr. NEWTON of Minnesota. I did not. I sent them the hearings and endeavored to get them to particularize their objections, and in doing so found out what the principal objection seemed to be.

Mr. ASHBROOK. My understanding is that the big milling interests in the gentleman's State are very much in favor of this legislation.

Mr. NEWTON of Minnesota. Very much so. That is true in my own city of Minneapolis.

Mr. BEGG. If this bill becomes a law, can a man who has a barrel of flour in his store sell 7 pounds of it to a customer without becoming a technical violator of the law?

Mr. ASHBROOK. I will give the gentleman my own understanding of the bill. I may be wrong, and I would not want to say that I am right, but my understanding of this bill is that if a dealer has a barrel of flour and he takes out of that barrel a certain amount and weighs out a certain number of pounds, he can do so and not violate the law; but if a miller or a manufacturer puts out flour or feedstuffs in containers, then these containers must conform to this bill.

Mr. BEGG. I would say to the gentleman that I did not so understand the bill. In other words, I did not see anything in the bill that gives that latitude and it seems to me that latitude ought to be given.

Mr. ASHBROOK. I do not see anything in the bill which does not give that latitude.

Mr. BEGG. I can cite the gentleman to the subject matter where it says that anyone who sells in any other quantity than 5 or 10 or any other multiple of a hundred—

Mr. ASHBROOK. Oh, that the standard packages shall be so and so. That is, if a man puts out a bag or a sack or a container of any kind, it must conform to this bill and be in 5, 10, 25, 50, and so-and-so pounds; but if a man breaks a container and he wants to sell to some poor person an odd number of pounds of flour in an ordinary package, if I understand the bill correctly, he has the right to do so.

Mr. BEGG. May I just read to the gentleman a portion of section 3?

Mr. ASHBROOK. Yes; and, if I am not mistaken, the chairman of the committee, who has occupied an hour of time in explaining the bill, is of the same opinion.

Mr. BEGG. The lines to which I would direct the gentleman's attention are these:

That it shall be unlawful for any person, firm, corporation, or association to pack—

And that is what the gentleman stated—

or cause to be packed, to ship or offer for shipment, or to sell or offer for sale—

That is in line with what the gentleman says—the following wheat-mill and corn-mill products—

And so forth. And it goes on then to name them, in any other than the standard sizes—

Mr. ASHBROOK (reading)—

when in package form.

"In package form" is a package that is put out by a miller is the way I understand it.

Mr. BEGG. I may be wrong, but it struck me that a man could not sell at retail.

Mr. HAUGEN. Mr. Chairman, if the gentleman will yield, I think we should have a definition of what "in package form" really means.

Mr. ASHBROOK. It seems to me that that is plain enough.

Mr. HAUGEN. My understanding is that the courts have defined "package form," but I have been unable to find the court decision.

Mr. ASHBROOK. When the millers ship any of these products they must be in packages to conform to this law.

Mr. HAUGEN. I have in mind a country miller. Say that a farmer goes there with his grain and calls for so much flour, and suppose 78 pounds of flour are ground and put up in a grain sack. The penalty under the circumstances is \$500, but it seems to me that that is an injustice. I take it that no one cares to penalize anyone for selling any other packages than those named in the bill unless they are sold with some intent to defraud.

Mr. ASHBROOK. Well, I might be far from the facts in my judgment, but my belief is that if the farmer goes to the miller with his grain to have it ground and he receives in return a certain number of pounds of flour and other feeds that go with the wheat it is not a violation for him to receive the odd weight; but if the miller sells him a sack of flour, if he puts up a sack of flour to send it out under his brand, then it must conform to the law.

Mr. HAUGEN. I agree with the gentleman, but the bill reads unless it is in 5 pounds, 25 pounds, or 50 pounds it is not in package form, and the penalty is \$500. It seems to me there should be some definition of package form, and it should be made clear that the miller may sell in any package he might see fit providing he gives the net weight.

Mr. ASHBROOK. As a matter of fact, is that a sale when the farmer takes his wheat to the miller and gets it ground and receives in return a certain number of pounds? That is not a sale.

Mr. HAUGEN. In years past it was customary for the farmer to haul the wheat to the mill and have it ground and the miller to take the toll. Now the farmer sells the wheat and goes to the mill and buys the flour and buys it in his own container. It may be a grain sack or a flour sack.

Mr. ASHBROOK. If he buys outright from the miller the miller must sell it in compliance with this bill.

Mr. HAUGEN. Suppose he has not a standard sack? They use a grain sack or any other sack.

Mr. ASHBROOK. But he has scales in his mill and he can weigh it out.

Mr. HAUGEN. But he must have this standard container.

Mr. ASHBROOK. I do not so understand it.

Mr. HAUGEN. According to the bill.

Mr. ASHBROOK. It is the container which contains a number of pounds mentioned in this bill.

Mr. DUNBAR. The package form is referred to in section 2, and in section 2 the meaning of package form is the standard package. Now, the standard weights of packages are to be 5, 10, 25, and 50 pounds, or 200 or decimals of 200, so that while you can not sell a standard package in package form containing any other multiples or decimals of 200, yet you can sell in bulk any amount which you want, because when you are selling in bulk you are not selling in standard packages in package form and you are not setting up a standard package in package form.

Mr. HAUGEN. If the law is to be so considered I have no objection, and I certainly agree with the gentleman that we ought to pass it. However, I think that nobody desires to penalize anybody for selling in any other container than that provided for here.

Mr. ASHBROOK. Mr. Chairman, this discussion of this bill is no doubt very interesting and proper, but when the bill comes up for consideration under the five-minute rule these gentlemen may then have opportunity to express themselves for or against the bill. I promised to yield some time to the Members on this side of the House, and I therefore will be compelled at this time to end this discussion of the bill.

The CHAIRMAN. The gentleman from Ohio [Mr. ASHBROOK] has 52 minutes remaining and the gentleman from Indiana [Mr. VESTAL] has 9.

Mr. ASHBROOK. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, I have requested the courtesy of consuming the time I have asked for the purpose of directing the attention of the House and the country to the present status of the numerous bills that have been introduced in the special session of Congress affecting the interest of our discharged soldiers, sailors, and marines.

I do not know, as a matter of fact, that when the armistice was signed and the soldiers were mustered out of the service and returned to their homes that those who were not wounded and not disabled expected the Congress of the United States to initiate any legislation of any character for their special and

particular benefit, but I do know, and you know, whether the propaganda was incited by the ex-service men themselves or not—and in a large measure it was not—that there have been introduced in this Congress by various Members from various sections some 50 or 60 bills relating exclusively to this particular subject which I am discussing.

Now, early in the special session, upon the recommendation of the President in a special message, and evidently by the assent of the majority leader, what is known as the Lane bill or the Mondell bill was introduced and referred to the Committee on the Public Lands, and after extensive hearings that bill was favorably reported, and has been upon the calendar of the House awaiting action since the 1st day of August last. That bill provides for the reclamation of arid, cut-over, and swamp lands by ex-soldiers. There have been introduced into Congress many bills to provide for bonuses and extra compensation, bills to provide financial assistance to the ex-service men for the purpose of buying either rural or town and city homes, and the combination of all these elements of relief measures have been referred to the various appropriate committees of the House.

Now, gentlemen, what is the net result up to this date? The Mondell bill, as I say, lies dormant, if not dead, upon the calendar. I heard a distinguished Member of the Senate, high in authority in that body, a Republican, say casually in the Senate restaurant, when the President's message came in in connection with the renewed recommendation for the passage of the Mondell bill, that it was idle for the President to make any recommendation in regard to that bill, for it was as dead as a red herring. It seems to be so as far as any action here in this House or any effort of the majority to put it upon its passage is concerned. And bear in mind that is the only bill ready for passage framed in the interest of the ex-service men.

I do not know, in the long run, whether this Congress is going to pass any affirmative legislation for the benefit of the service men or not, but I do say, in justice to them, that this Congress ought to exercise its power and its responsibility either to pass some legislation of that character or to announce to them and the country that it proposes not to pass it. [Applause on the Democratic side.]

Now, I have introduced upon my own authority and without consultation with anybody a resolution which has been referred to the Committee on Rules—House resolution No. 405—proposing that the Speaker of the House shall appoint a special committee of 18 Members, to which committee shall be referred all of these various and sundry bills affecting measures of this character, namely, those providing for rural homes, those providing capital for agricultural development, and those providing bonuses or additional compensation, in order that, if this Congress is going to take any action of any sort, a special committee of that character, appointed in the discretion of the Speaker, shall have an opportunity to consider every phase and angle of the situation in order to bring out legislation that will meet the various contending positions on this question, because no single bill will do it. You take a man that was a soldier, and if legislation is passed providing for rural homes that does not interest him if he is a city man and is not interested in a farm. The Mondell bill, if passed, would only serve to interest a small per cent of the ex-soldiers, because only a few would desire to go off to some strange section to reclaim swamp or cut-over lands for farms, although some would do so.

Many of the men would be glad to waive any claim for further bonus if they could be given an opportunity to borrow money through Government agencies, on reasonable terms, to buy and own their own homes and farms, as is provided in several of the bills which have been introduced, but which seem to be chloroformed in the committees.

The purpose of my resolution—and I urge upon gentlemen the thoughtful consideration of the proposal—is to afford an opportunity for legislation to be brought out, just as opportunity was afforded for the bringing out of water-power legislation by the creation of the special Water Power Committee. It would give opportunity to harmonize all these various schools of thought on special legislation for ex-soldiers, placing all these bills in the hands of one central committee, upon which shall rest the duty and responsibility of finally passing upon this great question.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Certainly.

Mr. CONNALLY. I would like to ask the gentleman from Alabama if his resolution applies to that character of legislation pertaining to soldiers only? Do you want to restrict it to soldiers?

Mr. BANKHEAD. Yes, absolutely, to soldiers, sailors, and marines—those who served in the military or naval forces of the United States in the war with Germany. The proposal

is that all those measures shall be referred to this special committee, notwithstanding any general rule of the House to the contrary.

The resolution also provides that all of these bills which have been referred to the Committee on the Public Lands and to the Committee on Banking and Currency and the Committee on Military Affairs and the Committee on Appropriations, or any other standing committee, shall be referred instantly, upon the passage of this resolution, to this special committee, except bills which may already have been reported out or put on the calendar, and I understand at this time there is only one of those—the Mondell bill.

Regardless of the final character of legislation upon these subjects that may be brought before the House for consideration, I submit that it is not fair to the ex-service men of this country, who have been led to believe, very largely by the action of Members of Congress, that we are going to consider and pass legislation of some sort for their compensation or for their benefit, to longer delay definite action. If you let the situation lie as it is, you will never get any practical result. How many of the committees to which these bills have been referred have had any hearings on them? Can the Republican steering committee give any assurance of early action on any of them? They are silent. What disposition do you find here on the part of those responsible and in authority for legislation in Congress to press for consideration any of these bills and either finally pass favorably upon them or reject them? I think it is only fair to the ex-service men and it is only fair to the taxpayers of the country and it is only fair to the Members of this House itself that we shall not further delay some concrete action upon this legislation, but that we shall determine either to put it into effect and to give some affirmative legislation for the relief or compensation of our ex-service men or else, in justice to them, to announce that it will not be the policy of Congress to undertake legislation of that character.

At the proper time I trust that the Committee on Rules will see fit to give this resolution its earnest consideration. It is not offered in any party spirit. It is offered simply for the purpose of undertaking to solve the problem that every one of you has been thinking about every day since you came back to this session of Congress. The Republican Party, of course, is responsible. You have invited the responsibility. It has been bestowed upon you. It legitimately belongs to you, and the country, of course, will legitimately hold the majority responsible for its action or for its failure to act.

I feel sure that the minority here are willing, as Judge TOWNER suggested in his speech yesterday we ought to do, to cooperate in a definite and specific conclusion with respect to this legislation one way or another.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Certainly.

Mr. ZIHLMAN. The gentleman in his opening statement, as I understood, said that he had a list of the bills pertaining to the welfare of the soldiers and sailors.

Mr. BANKHEAD. No. I have not a list of all. I inquired at the document room and was informed that there were probably from 65 to 70 bills of various characters.

Mr. ZIHLMAN. You have not a list of the bills?

Mr. BANKHEAD. No; I have not prepared any. I simply desire to call the attention of the House to my resolution and to ask, if it meets your approval, that you give it favorable action if opportunity is presented. [Applause.]

For weeks and weeks it was intimated that the majority here would wait until the national convention of the American Legion met and made recommendations. That excuse no longer exists. That convention has met and acted. We will see how much longer this policy of inaction and indifference shall continue. If you are going to legislate for the benefit of the men who, above all others, have earned the gratitude of this Nation, you should act and act without delay. If you are not going to legislate for their benefit you should have the courage to say so, and thereby settle the matter once for all, so that the ex-soldiers may not further be encouraged to expect favorable action and may make their plans and arrangements accordingly. In justice to them we can do no less.

Such a special committee as I have suggested can and should agree upon legislation fair and helpful to our veteran soldiers and sailors without imposing any undue burdens upon the taxpayers of the country and without being unduly liberal to the men themselves. Let us not longer "hold the word of promise to the ear and break it to the hope."

The CHAIRMAN. The gentleman from Ohio [Mr. ASHBROOK] has 43 minutes remaining and the gentleman from Indiana [Mr. VESTAL] has 9 minutes remaining.

Mr. ASHBROOK. I will yield 10 minutes to the gentleman from Texas [Mr. CONNALLY]; but first I will yield to the gentleman from Kentucky [Mr. THOMAS] 20 minutes, providing he makes a good speech. [Laughter.]

The CHAIRMAN. The gentleman from Kentucky is recognized for 20 minutes.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. THOMAS. Mr. Chairman, I do not know very much about the pending bill, for the reason that I have not had an opportunity to properly investigate it, but I understand this, like certain horse-show rings at country fairs, is a general-utility debate, and a person can declaim on any subject he may feel inclined to discuss.

I do not agree with the gentleman from North Carolina [Mr. KITCHIN] as to some of the statements he made in regard to this bill. He stated, in substance, that in most parts of this Republic the people are greatly concerned about the number of pounds of food they can obtain under food-administration laws and the kind of sacks they may be permitted to put it in. I beg leave to differ from him. The people are more concerned about ways to obtain sufficient money with which to buy food during these times of the high cost of living than they are about the kind of sacks in which to put it, or whether the lettering on the sacks is in color red, white, or blue.

Mr. BLANTON. Will the distinguished gentleman from Kentucky yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Texas?

Mr. THOMAS. Yes.

Mr. BLANTON. Under the present mode of selling flour the sacks contain 12, 24, 48, and 96 pounds, and there are numerous sacks, of course, in those denominations now in existence. Now, to pass this bill changes all that and makes all these sacks useless, and that is what the gentleman from North Carolina meant when he said that the people were highly concerned about this bill. Instead of getting stuff in the sacks which are now available, they will not get it at all for a while, because new sacks of all denominations must be provided.

Mr. THOMAS. Well, there may be 12, 24, 48, or 96 pounds in the sacks that the gentleman speaks of, but I doubt very much whether they will weigh that much.

The gentleman from North Carolina [Mr. KITCHIN] talked about this Republican Congress and what it had failed to do in regard to constructive legislation. I beg leave to differ from him again. This is a great Congress, with a large Republican majority, and I say without jesting it contains many able Republican as well as Democratic Members. This House has enacted one marvelous piece of legislation, which will go down in history through all the ages as the most beneficial and far-reaching legislation to reduce the high cost of living ever conceived by the brain of man provided it passes the Senate and becomes law. In fact, it sprang from the brain of the Ways and Means Committee like Minerva from the brain of Jupiter, full formed and perfect and ready to strike down with one mighty and effective stroke the high cost of living, and no one should be so skeptical or so impertinent as to disbelieve that thing will in due season be accomplished because it is to be done by taking the tax off of ice cream and soda water and supplying the deficit by an increased tax on the real necessities of life. [Laughter.]

As a matter of fact, however, in my opinion the gentlemen who inadvertently or otherwise voted for that bill should return to the expectant and awaiting presence of their constituents and duly and humbly apologize for their action and spend a season of repentance in sackcloth and ashes.

In my opinion—and I do not think I am in a minority in this country in that thought—the best thing Congress can do is to settle decisively once and for all the questions of the peace treaty and league of nations and pass the appropriation bills and go home. It would do Congress good to get out of the profiteering environment and mucky atmosphere of Washington for a time and mingle with their constituents and learn their opinions on current matters.

And that would bring a change of living conditions from cold-storage junk and indifferent cooking to the fresh, pure food and good cooking of the countryside. Congress could there mingle with the thrifty sons and fair daughters of the soil and breathe the inspiration of nobler thoughts and loftier ideals. The frost is now on the "pumpkin," the ripened corn is in the crib, the golden wheat is in the bin, the yellow yams

are mellowing and sweetening in the cellar, the succulent persimmon and the toothsome "possum" are now ripened under the cool temperature of frosty, freezing moonlit nights, and all nature is redolent with the perfume of dying flowers and aglow with the varicolored beauty of autumnal forests and the glory and splendor of autumnal sunsets.

And then to contemplate the epicurean richness of a country dinner consisting of country-cured ham; and hog and lye hominy, made only as they know how to make it in Kentucky; accompanied by light, hot biscuits and country-made blackberry jam and other like delicacies; and to crown all, as a final course, a big, fat, juicy "possum," fully made ready for the feast by the fall of several biting frosts upon it and cooked only as an old southern negro "mammy" knows how to prepare such dainty dishes, and the whole fringed with layers of big, tempting, yellow sweet potatoes, exuding sugared sweetness over the luscious marsupial dish in drops of waxen thickness.

Such a dinner is a real and glorious feast, fit not only for a Congressman but for the gods; and after it is over, how pleasant to go to the old log stable and crawl up into the loft as in bygone days and be a boy again, and repose on the new-mown hay as of yore, and be lulled into peaceful sleep by the patter of the rain on the old board roof, and drift away into dream-land unmindful of ambition and the pomp and circumstance and vainglory of the world.

The sooner Congress adjourns to enjoy a well-deserved rest the better off the country will be, and Congress will be benefited mentally and physically, not to say morally.

Mr. Chairman, there is now a great coal strike in this country which is hurtful to the miners and disastrous to commerce and industry. Every legitimate means should be used to avert and settle differences between capital and labor, so that strikes may be prevented and the resultant financial losses avoided, but at the same time capital and the public should keep in mind the fact that the workman is not only entitled to a living wage but is entitled to something to lay by for old age and to tide him over the days when the hand of misfortune may fall heavily upon him.

The district which I have the honor to represent in this House is in part a coal-mining district, and most of the miners belong to the United Mine Workers' organization. In 1917-1918 these miners asked for a raise of wages, but they were refused on the ground that we were at war, and like good citizens they quietly submitted, although they were not then and are not now getting a sufficient living wage to meet the increased cost of living.

After the war was over they again requested a raise of wages to meet the living conditions that confronted them. The miners are loyal citizens. Not an act of disloyalty to the Government so far as I have heard was ever charged against any of them. Over 60,000 of them were in the service of their country as soldiers. They fought for their country with manly fortitude and courage. They never turned their backs to the foe, and their wounds were all in front. Many of them were wounded and crippled for life while others died upon the field of battle and their bodies are buried in Flanders fields—

Where the poppies blow
Between the crosses, row on row.

The miners subscribed and paid for more than \$100,000,000 in Liberty bonds and in addition gave large sums to the Red Cross and other charitable organizations for the purpose of aiding to win the war. All they are now asking is to be treated with fair consideration in the matter of wages. I have seen misstatement after misstatement about miners wages piled one on another like Ossa on Pelion.

Miners, with the exception of day hands, are paid by the ton for mining coal, and I have never seen a statement from any fuel administrator, newspaper, or Congressman which has attempted to elucidate this question as to how much they are paid per ton for their work. Every statement I have seen about the matter is mere assertion and far-fetched guesswork.

I recently received from the vice president of district No. 23 of the United Mine Workers of America the following telegram:

In behalf of 5,000 miners who have been made slaves by the enforcement of the Lever law I urge you to use your influence to have this law repealed? Our very souls protest against Dr. H. A. Garfield being given the authority to decide the amount of wages the miners shall receive. We understand he is a stockholder in some large bituminous coal mines and receives profits therefrom. My God, has our Government forgotten the service of the miners during the great World War? Not one disloyal act did any branch of our organization commit. We had more than 60,000 men in military service. We bought more than \$1,000,000 of Liberty bonds, donated liberally to the Red Cross, etc. August 22, 1918, we made an effort to get better wages for the miner, and the Fuel Administrator said no. We were then engaged in war, and for the love of our country we bowed our head in submission and continued to work until war was over, expecting to be given a liberal wage.

Mr. Chairman, in my opinion, if Mr. Wilson had not been sick at the time the attempt was made to arbitrate the strike and had been able to give personal attention to the matter the strike would have been settled, and the men would now be at work.

The assertion is made, not based on facts, that the miners at the time of the strike were receiving exorbitant wages and the public has been diligently educated by interested and profiteering persons to place all the fault for the high price of coal on the miners and operators. Recently a Washington newspaper published an interview with a Louisville party as to the wages miners are receiving in the Birmingham, Ala., coal district. He knew, he said, because he had just returned from a trip to Alabama. He probably made this trip in an auto and is no doubt one of those auto miners who know just about as much about mining as city auto farmers do about farming. This city auto miner most likely never saw a coal mine in his life, and the city auto farmer probably never turned a furrow, yet the one can tell all about mining and the other all about farming and just what things should be done and what wages are paid, by intuition probably, owing to the vastness and profundity of their respective intellects.

The Louisville party, as detailed by the Washington paper, said:

The normal output of that district is 55,000 tons daily and that is what is being produced now—

And he adds—

The miners are already making exceptionally high wages—from \$300 to \$400, and in some cases \$800, per month—

And he further states that 70 per cent of the miners are at work in that district.

If any miners are making such wages, they are contract miners and such sums are their gross earnings, and out of the gross earnings should be deducted the wages of two or three men, as those mines are machine mines and the wages of the helper and loader should be deducted, and when that is done the wage even of a contract miner will fall far below \$300.

In the Birmingham district, which is the Alabama district, according to the United States Bureau of Mines for the year 1918, the latest report available and the year of greatest production, the coal output in that district was as follows:

Number of short tons	19,184,962
Number of men employed	26,221
Average number of days worked	278
Average number of tons mined per man	732

Machine miners and pick miners are paid on a different basis, but their wages are about in amount the same per ton, based on the pay per ton of a pick miner, and that in Kentucky is \$0.7735 a ton, and is probably a little less in Alabama. Certainly nowhere in the world are miners paid a dollar per ton for mining; and admitting they are, then, if they mine 732 tons on an average per man a year at a dollar per ton, their average wages in Alabama for 1918 were \$732 per year, or just \$61 per month, and not \$300 nor \$400 nor \$600 per month as the gentleman from Louisville with such vivid imagination seems to believe, but their wages, based on the actual amount paid per ton for the days worked, is about \$566 per year, or about \$47 per month.

Of course the 278 days the miners worked in that district represents days and parts of days and not 278 full days' work. The smallness of miners' earnings is not only due to low wages, but also due to the failure of railroads to furnish cars to the mines. Of course, miners could earn more if furnished cars by the railroads. According to the highly decorated imagination of the United States Fuel Administrator miners are receiving \$1.50 per ton on an average for mining, so I am informed. That statement can not be substantiated by any earthly facts, because no place do they ever receive a dollar a ton, except, perhaps, in some isolated instances of contract mining. Even if they received \$1.50 per ton for mining in the Birmingham district and mined 732 tons for 1918 per man, the wages for the year on an average would amount to \$1,098, or \$91.50 per month per man, and miners' wages have not increased since 1918, the year of greatest production. They were actually paid per ton about \$0.7735, so the average wages per miner in that district for that year were actually about \$566 per year per man, or a little over \$47 per month, and they are no more now.

The Fuel Administrator states, so I am informed, that a miner can live on \$950 a year, although the Secretary of the Treasury resigned because he could not live on \$12,000 a year. If that be true, then the Fuel Administrator, in the fullness of his great heart and the abundance of his loving charity, is willing, after allowing a miner and his family \$950 on which to merely exist—and most miners have families—to allow him, according to his own statement of the wages per ton received by miners, the further munificent sum of \$148 per year to pay

for the few pleasures he may indulge in or to carry him over the misfortunes that may betide him or his family.

According to the figures of the United States Bureau of Mines the coal production in Kentucky in 1918 was as follows:

Number of short tons.....	31,612,617
Number of men employed.....	39,342
Average number of days worked.....	230
Average number of tons mined per man.....	804

If the average wage paid is \$0.7735 per ton for mining, then 804 tons per man per year would amount to \$623.89 per year, or \$51.99 a month. If any man will show me by the signed scale of wages under which the miners are working that this statement is not correct I will be glad to correct the mistake, but this is the information I have received from some of the parties to the contract.

It is stated that the cost of living has advanced about 79.8 per cent and the wages about 58 per cent. Such estimates are, in my opinion, delusive. As a matter of fact, the wages of miners have not advanced since the war began, and in 1917-18 they were refused an advance on account of the war, while the wages in almost every other industry were advanced on account of the war and the increased cost of living, and the advance in living, as everyone who buys knows, has been in most instances over 100 per cent.

As advertised in the Louisville, Ky., papers, the retail price of coal in that city is:

	Per ton.
West Virginia lump.....	\$7.00
West Virginia nut.....	6.50
Kentucky lump.....	6.50
Kentucky nut.....	5.50

The freight cost per ton from most, if not all, the western Kentucky mines to Louisville is \$1 per ton, and the maximum price loaded on the railroad cars at the mines is \$2.45 per ton; so the coal is delivered in Louisville at a cost of \$3.45 per ton, leaving to the retailer a gross profit of \$2.05 per ton on Kentucky nut coal and \$3.05 on lump coal.

I do not know what the freight rates from the West Virginia coal fields are, but certainly not more than \$1.50 per ton, and I have no idea it is that much; but at that rate West Virginia bituminous coal is delivered in Louisville for \$3.95 per ton and the lump coal is sold for \$7 per ton, leaving a gross profit to the retailer of \$3.05 per ton on West Virginia lump coal and \$2.55 per ton on nut coal; and yet the coal miner is cruelly and unjustly assailed by the newspapers and the public for the high price of coal. And the prices in Washington City are still higher; but the miner gets the same price per ton for mining the coal that goes to both places.

In addition to this profit, the retailer usually sells 1,800 pounds for a ton, thereby giving 9 tons of coal and charging the same as 10 tons, and making a still further profit of from \$5.50 to \$7 on each 10 tons of coal sold.

The retailers in many instances are the railroads; so the railroads and the retailers are the ones who are profiteering on the public in the cost of coal, and not the miners and operators. The excess over \$2.45 per ton for coal is the gross profit divided between the railroads and the retailers; and in this city, with bituminous coal selling at \$7.90 per ton, that gross profit amounts to \$5.45 per ton, as the coal is placed on the railroad cars at a maximum price of \$2.45 per ton.

Injunction proceedings are pending against a number of miners for alleged violation of the so-called Lever Act. This proceeding is pending under an amendment to the Lever Act which was reported to the House by Mr. HAUGEN, of Iowa, from the Agriculture Committee, August 23, 1919. That bill became a law October 20, 1919. Mr. Lever resigned from Congress, and his resignation was effective August 1, 1919, and he was not a Member of Congress when the bill was reported and passed.

It was never intended by Congress that the Lever bill should apply in such proceedings as the Indianapolis injunction cases. That is a criminal statute and provides a certain named penalty of fine and imprisonment for violation of a criminal law, but it is proposed to circumvent the plain intent of the law and to prevent the trial on a charge for violation of a criminal statute by a jury as all men charged with the commission of criminal offenses are entitled to be tried under the law. In that proceeding the court says one miner shall not furnish money or food to another miner who will not work for the inadequate wages miners now receive. In my opinion that law is the limit of legal oppression. If these miners have violated any criminal law, then they are justly entitled to a trial by a jury as the Constitution of this Republic clearly intends.

The miners and operators are charged with conspiracy to limit the production of coal and thereby enhance the price,

but I do not believe there is any foundation for such charge. The miners want all the cars that can be obtained, because the more cars they get the more work they can obtain and the greater their earnings. The operators want more cars because the greater amount of coal they can ship and sell the more profit they can make. The charge is not reasonable as the price of coal aboard the cars is fixed by the Government. In addition, the operators have for two years or more been pleading with the Railroad Administration to furnish more cars to the mines in which to ship coal.

Why are not injunction proceedings invoked or the criminal laws enforced against the railroads?

The so-called Lever law makes it unlawful and provides a penalty for conspiring to limit the facilities for transporting any necessities or to restrict the distribution of any necessities, or for any person to do so. The railroads and persons connected with them have, in my opinion, beyond question limited the facilities for transportation of coal, and have restricted the distribution of coal cars to coal mines when they could have furnished them. If they did not, why were grass and weeds growing in the bottom of coal cars sent to Kentucky about 10 days before the strike? These cars evidently were not needed by the railroads in the operation of their own coal mines, and were probably hidden away on sidetracks remote from coal mines to prevent the distribution of coal by independent operators in competition with their own mines.

If they have not intended to and have not prevented the distribution of coal, why have they given a better rate per ton by 40 cents from the coal fields of southern Indiana and southern Illinois to Chicago, Cincinnati, and other competitive points than they have to coal shipped from the competitive field of western Kentucky?

I believe the railroad corporations are endeavoring to get control of the entire transportation system of the country and control of all the coal mines and lands, and if laws are not passed to prevent, I believe they will finally succeed; and one method to get possession of independent coal mines is to limit the distribution of cars to the lowest possible number. The Louisville & Nashville Railroad Co., according to the Louisville Courier-Journal, owns mines which produce 1,400 cars of coal per day, which amounts to about 60,000 tons, and other railroads all over the country own or operate directly or through interlocking directorates vast coal properties.

November 20, 1919, a dispatch from Columbus, Ohio, says:

Vigorous protest against the alleged delay of the Louisville & Nashville Railroad in setting cars for the mines of the Hazard field of Kentucky was made to Director General Hines and Fuel Administrator Garfield by B. F. Nigh, secretary of the Michigan-Ohio-Indiana Coal Association.

Complaints of car shortage made to Mr. Nigh from the Hazard field showed that 156 cars were provided, while the mines asked for and were ready to load 500 cars. Coal from these mines is shipped largely to Columbus and Cleveland.

The daily normal capacity in that field is 25,000 tons, and even though but comparatively few mines are in operation that railroad gives as an excuse that its terminals are congested. A scheme worthy of a diplomat. Congest the terminals and tie up the coal cars, and then give as an excuse for not furnishing cars that the terminals, which were no doubt purposely congested, are congested.

In the western Kentucky coal field day hands in mines receive from \$3.56 to \$4.35 per day, and most of them get \$3.56. What gnashing of teeth and wild ululations there would be if the swivel-chair laborers of our cities were confined to such wages!

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The gentleman from Ohio has 20 minutes remaining and the gentleman from Indiana 9 minutes.

Mr. ASHBROOK. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, this is the first time during my association in this House with the distinguished gentleman from Kentucky [Mr. THOMAS] that I have not been able to agree with him on every position he has taken before the House. But the gentleman says that there have been no figures given Congress whatever in regard to the earnings of the coal miners.

Mr. THOMAS. Will the gentleman yield?

Mr. BLANTON. Not now, but later. He says it is merely a guess. Surely the gentleman has forgotten the figures which the gentleman from Virginia [Mr. WOODS] placed in the Record some weeks ago, wherein he showed that in the mines of West Virginia the miners there named by him had been making from \$253.60, as a minimum, per month up to \$547.82 a month.

For the information of the gentleman from Kentucky [Mr. THOMAS] I here insert the said statement made by the gentle-

man from Virginia [Mr. Woods], from page 7589 of the CONGRESSIONAL RECORD for Monday, October 27, 1919, to wit:

MR. WOODS OF VIRGINIA. I give the statement, which has been furnished me, as to wages earned for the months indicated for the miners named at the Borderland Coal Corporation mines at Borderland, W. Va.

This is not a union field, but my understanding is that prices corresponding to the union scale are paid. Mining conditions are not exceptional and the miners are not paid higher, or at least not materially so, and the mining conditions are materially no better for the miner than generally prevail in that field. Miners are charged \$2 per month per room for frame houses, most of which have bathrooms attached and are sewer, and \$3 per month per room for brick houses. They pay for their own powder, which runs from \$2 to \$9; smithing bills, 50 cents per month; furnish their own tools, consisting of shovel, pick, coal auger, and perhaps an iron bar. They are not charged for timber or propping. Single men pay 75 cents for medical attention and married men with families \$1.25 per month.

The miner works as many hours as he chooses and is paid by the ton or car. Their average day is from seven to eight hours, but, of course, during the period shown by the following statement there were quite a number of days in which the miners were not working, owing to car shortage. These cases may be exceptional, but are sufficient to show what can be earned by the steady miner. The list is as follows:

Name.	Month.	Gross amount.	Net amount.
Jno. Postulak.	April, 1918.	\$254.35	\$240.75
Anthony Zimmerman.	do.	242.42	237.17
Bill Candill.	do.	303.03	164.53
B. H. McKee.	May, 1918.	250.30	172.10
Jno. Zebela.	do.	276.25	246.25
Bill Candill.	do.	354.25	236.75
Anthony Zimmerman.	do.	382.98	287.73
Bill Candill.	June, 1918.	376.74	276.98
Anthony Zimmerman.	do.	410.02	282.77
Geo. Bays.	do.	318.95	183.54
Martin Justice.	do.	268.20	224.95
Jno. Zebela.	July, 1918.	262.95	238.95
Thos. Alley.	do.	279.91	262.16
Bill Candill.	do.	456.95	313.94
Anthony Zimmerman.	do.	508.56	344.31
George Bays.	do.	297.52	203.40
Henry Ratliff.	do.	293.75	241.51
Martin Justice.	do.	264.80	180.80
John Zebela.	August, 1918.	238.20	232.00
George Tice.	do.	288.30	212.05
Bill Candill.	do.	400.33	284.70
A. Zimmerman.	do.	547.82	412.57
George Bays.	do.	377.08	303.82
Henry Ratliff.	do.	311.47	250.22
Bill Candill.	September, 1918.	423.67	252.77
A. Zimmerman.	do.	438.21	254.21
Bill Candill.	October, 1918.	365.30	246.57
A. Zimmerman.	do.	348.46	179.21
Floyd Muncy.	November, 1918.	275.41	153.86
Bill Candill.	December, 1918.	257.92	167.04
Moss Burgett.	do.	257.92	112.37
S. J. Childress.	February, 1919.	261.02	183.27
Richard Lemaster.	do.	260.55	205.55
Bill Candill.	do.	280.54	221.04
Moss Burgett.	do.	269.88	141.63
do.	March, 1919.	291.59	176.34
Bill Candill.	do.	300.82	239.32
H. E. Booth.	April, 1919.	266.55	139.95
Bill Candill.	May, 1919.	285.61	221.71
Moss Burgett.	do.	301.60	157.20
Jake Kosen.	August, 1919.	253.60	218.85
R. E. McKee.	do.	283.17	234.42
Jacob Cron.	September, 1919.	292.36	202.86

The net is after deducting store account, scrip account, powder, rent, lights, coal, smithing, doctor's fee, insurance, and in some instances cash and war campaign fund. These men are not starving.

I have just had a talk with the gentleman from Virginia [Mr. Woods], and he informs me that since he placed the above figures in the RECORD he has ascertained that none of the above named were contract miners, but that the above represents the earnings of the respective individual miners named themselves without helpers. You will note that the amounts in the first column under "gross amounts" are the actual earnings before deducting any expenses, while the amounts in the second column, designated "net amount," are what was left to them out of their month's wages after paying house rent, store accounts, doctor bills, and so forth.

I call attention to the following from the Weekly Digest, published at Washington, D. C., December 3, 1919, on page 25 thereof:

COAL OPERATORS' PAY ROLLS PROVE MINERS WHO WORK WERE PAID \$8.10 TO \$13.05 PER DAY IN MONTH OF 22 WORKING DAYS.

WASHINGTON, November 26.

The executive committee of the bituminous-coal operators of the central competitive field issued the following statement to-night:

The storm center of the mine-wage controversy to date has raged about the question of percentage of wage advance since 1913 as compared with percentage of increased cost of living since the same date. We can prove and, as a matter of fact, have proved by figures submitted yesterday to the public that on the percentage basis of figuring miners have already been offered by the operators far more than they are entitled to. But even more significant than these percentage statements are the figures of actual earnings in dollars and cents.

The following is a list of miners from different parts of the central competitive field showing average daily earnings taken direct from pay rolls:

William Dewarr.	\$8.10
Alvin Anderson.	8.30
Paul Cases.	9.44
Ignat Sessions.	8.70
Bruno Beckovich.	8.42
John Martin.	8.23
Andrew Bagon.	8.26
Edwin Brawley.	8.11
Jacob Gullick.	9.37
Charles Wise.	13.05
Charles Krug.	12.10
J. W. Sims.	13.03
James Eccleston.	12.10
Pearl Patton.	9.64
Dave Nichols.	9.70

Thousands of others showing similar earnings could be added to this list, and we contend that the figures do not indicate an insufficient wage.

The miners allege that they do not have an opportunity to work a sufficient number of days at wages indicated above in order to secure a proper annual wage. To indicate how much cause the miners have to complain in this matter we have selected a mine pay roll which is typical of all others. This pay roll covers a period of one month, during which the mine worked 22 days, and accordingly offered every miner on the pay roll an opportunity to work the full 22 days. There were 175 men employed at this mine that were on the pay roll during the entire month. Out of this number 46 only presented themselves for work on each of the 22 days; 83 were present at the mine on 21 days; 81 for 20 days; 19 for 19 days; 8 for 18 days; 12 for 17 days; 7 for 16 days; 1 for 15 days; 1 for 14 days; 4 for 13 days; 2 for 12 days; 3 for 11 days; 1 for 10 days; 1 for 7 days; 2 for 6 days; 4 for 4 days; 1 for 3 days.

Are those men who refuse to take full advantage of their opportunities to work, and who prefer to loaf rather than to produce coal, entitled to any consideration at the hands of the public? It is for these men who, through their refusal to work, have brought down the average of the miners' earnings, that the mine workers' organization is demanding an increased wage. We say most emphatically they are not entitled to it. If they will work they will earn; if they will not work it is not up to the mine owners or the public to support them in idleness. On every occasion that the mine wage scale has been advanced during the last few years, the number of these idlers has increased, because they were able to earn all they required in a fewer number of days. It is time to call a halt.

Would the gentleman from Kentucky have us believe that we may better accept partisan estimates guessed at by the Secretary of Labor, who was a high official in the United Mine Workers of America at the time he entered the Cabinet, than the undeniable figures from actual pay rolls from the mines of our country?

Senator KING, of Utah, has well said that—

The Department of Labor is so honeycombed with Bolshevism that it is unfit to handle the cases of persons classed as undesirable in this country.

For the same reason we can not give any credence to estimates made by the Department of Labor on earnings of coal miners. The Secretary of Labor almost caused a rupture in the Cabinet of the United States when he sought to defend the lawbreaking, anarchistic leaders of this cruel coal strike at a time when the Government was trying to perfect plans to prevent hundreds of thousands of helpless women and little children from freezing to death.

If the distinguished gentleman from Kentucky [Mr. THOMAS], whom I personally like immensely and whose stand on the floor of this House almost invariably is in behalf of all the people as a whole rather than a particular class, knew as much about the earnings of the miners in his own State as he does about everything else—because he is a well-posted man—or as much as the gentleman from Virginia [Mr. Woods] knows, he could have told exactly what the miners of Kentucky have been earning each month. Ask the gentleman from Virginia [Mr. Woods], who went to a man not a week ago in Kentucky and in talking with a miner he said: "Mr. Preston, how many shots does it take for a day's work to accumulate the coal?" He said, "Three." "How much time does it take you to make the three shots?" "About 35 minutes." "How much time does it take you to load a mine car?" "Twenty minutes." "How many mine cars do you load a day?" "From 8 to 12, at least 10 on an average." "How much do you get for loading a mine car?" "Ninety cents a car." So this Kentucky miner, Mr. Preston, had been working four hours a day and making \$9 a day loading 10 mine cars of coal.

If you would talk with our colleague, the gentleman from West Virginia [Mr. REED], and other gentlemen familiar with the facts, they would tell you that there are mines in West Virginia and other States where the miners are being furnished by the operators with the very best brick houses, more comfortable than the one I occupy in Washington, at a very nominal rent, with steam heat, electric light, with coal at \$1 a ton at their residence, with a garden plot at the back of the house to raise vegetables for the family, with water to irrigate the garden, with excellent school advantages, and an extra fund added to the school fund to get extra teachers.

These operators have built churches, they have built Protestant churches and Catholic churches, giving them free entertainments at least once a week in the way of free picture shows, and

they have done everything on God's earth to make them satisfied, and paid wages from \$150 to over \$500 a month. Those are facts that are staring us in the face to-day. These miners have more money and property than they ever had before in their whole lives or ever dreamed of having.

Down in my district a Texas blizzard has been raging for a week. Women and little children are freezing to death—just what these anarchistic strike leaders have purposely designed—and during the last 10-day recess, instead of going to my home and enjoying my short vacation, I drove an automobile myself from Youngstown and through other parts of the State of Ohio, over 500 miles, driving through Pittsburgh and across the State of Pennsylvania, trying to find out what the real condition of some of these striking miners is. Why, as I came down through Ohio, about the only thing I could see besides strikers, jocularly speaking, were the cards of my good friend the gentleman from Ohio [Mr. EMERSON]. As I came through his district on almost every telephone pole I could see the card posted up—his large printed placard—and you could read it almost a quarter of a block off, "Write Congressman EMERSON, at Washington, D. C., for any bulletin you want. He will send it to you." [Laughter.] In some places the eating houses were designated "The Strikers' Café" and "The Strikers' Hotel."

Now, do the 300 strikes now existing in the United States operate to better the conditions? Can not you see in it the influence—the soviet and Bolshevik influence—not to help the working people of this country but an influence that digs right down at the root and foundation of this Government and is the anarchistic influence that is seeking to disrupt the Government.

Twelve months ago, when I first warned this Congress that labor unions and the American Federation of Labor were dominated by anarchistic influence and that our Government must require all unions to purge themselves of anarchy and disloyalty, I was assailed and bemeaned. If my warning then had been heeded, all of the great suffering now existing in our Nation by hundreds of thousands of helpless women and little children could have been avoided, and the millions of dollars our Government is now spending protecting men who want to work in their right to work without being attacked and killed by striking miners and striking steel workers would have been saved.

After Samuel Gompers has approved of the anarchist William Z. Foster being placed in charge of the steel strike, and has approved of all of his actions, and after Samuel Gompers has approved of the unlawful strike and unlawful actions by coal-strike leaders, and after all of his threats of disobedience to laws should Congress pass them, and his denunciation of Government action, will any unprejudiced person longer contend that he is not himself dominated by Bolshevik and anarchistic influence? Has he ordered the unlawful strikers back to work? No. I hope to God that Judge Anderson will take such action with regard to these 84 strike leaders whom he has summoned before him because of violation of the injunction that it will make them remember it to the longest day of their lives. I hope also the day will come when I can meet and take Judge Anderson by the hand and say, "God bless you, Judge; you are a man; you are not afraid to do your duty; you are not afraid of these anarchists who place bombs at the doors of people who stand for law and order and good government." Yet he is being execrated and condemned by all labor leaders.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ASHBROOK. Mr. Chairman, I yield two minutes more to the gentleman from Kentucky [Mr. THOMAS] in order that he may address a few well-chosen remarks to the gentleman from Texas [Mr. BLANTON]. [Laughter.]

Mr. THOMAS. Mr. Chairman, I attempted to ask the gentleman from Texas [Mr. BLANTON] a question, but could not obtain that privilege, as the gentleman, when he gets to talking, does not seem to have any terminal facilities. [Laughter.]

I stated that in this miners' wage controversy I had never seen any statement by those opposed to the miners as to wages by the ton miners receive, and I have not. The amount paid miners by the ton has been carefully concealed. They are paid by the ton, and the only correct way to arrive at the amount of their wages is to find out how much they are paid by the ton and the number of tons mined in a month or year and from that amount deduct their expenses in mining that coal, and their net wages in that way can be determined.

The gentleman from Virginia [Mr. WOODS] delivered a speech in the House October 27, 1919, in which he made certain statements as to the wages received for one month by 42 miners at Borderland, W. Va. It is but fair to Mr. WOODS to state the figures are not his, but were furnished to him

by a person in West Virginia whose identity he does not disclose.

The earnings of these 42 miners are approximately the same, and I give only the statement as to the first 12 on the list, which is as follows:

Name.	Month.	Gross amount.	Net amount.
Jno. Postuluk.....	April, 1918.....	\$254.35	\$240.75
Anthony Zimmerman.....	do.....	342.42	237.17
Bill Candill.....	do.....	303.03	164.53
B. H. McKee.....	May, 1918.....	269.59	172.10
Jno. Zebola.....	do.....	276.25	246.25
Bill Candill.....	do.....	354.25	236.75
Anthony Zimmerman.....	do.....	382.98	237.73
Bill Candill.....	June, 1918.....	376.74	276.98
Anthony Zimmerman.....	do.....	410.02	282.77
Geo. Bays.....	do.....	313.05	153.51
Martin Justice.....	do.....	268.20	224.95
Jno. Zebola.....	July, 1918.....	262.95	238.95

The net is after deducting store account, scrip account, powder, rent, lights, smithing, doctors' fee, insurance, and in some instances cash and war campaign fund. These men are not starving.

In the speech of Mr. WOODS it is further stated miners are charged \$2 per month per room for a frame house containing two rooms, and from \$2 to \$9 per month for their powder, 50 cents per month for blacksmithing, 75 cents to \$1.25 per month for medical attention.

Let us take the first man on this list, John Postuluk. His gross earnings are stated to be \$254.35 and his net earnings \$240.75, a difference between his net and gross earnings of \$13.60. Then, according to the voracious chronicler who furnished the figures, John Postuluk, if he occupied a two-room frame house at \$2 per month per room; paid \$4 a month rent, and \$2 the lowest amount for powder per month, for blacksmithing 50 cents, 75 cents for medical attention, the total being \$7.25 per month, would have left the magnificent sum of \$6.35 to pay his store account, scrip account, lights, coal burned in his two-room house, insurance, and perhaps the cash he borrowed and war funds he paid, because the statement says this sum of \$240.75 was his net earnings after deducting his store account, scrip account, powder, lights, coal, smithing, doctor's fee, insurance, and in some instances cash and war campaign funds, and this was all paid by the difference between his gross and net earnings, which was \$13.60. If this statement could be true, and of course it is not, John Postuluk and his fellow workmen are exceedingly fortunate to be permitted to work in the mines and live at Borderland, W. Va. It is, if the above statement be true, certainly as goodly and fair a village as was ever kissed by the sunlight of heaven, and, like Beulah land, a land of milk and honey and corn and wine, unexcelled except perhaps by the far away celestial city which the olden prophets saw in dreams and visions. Those who are oppressed by the high cost of living in these strenuous times may now joyfully exclaim of Borderland, W. Va.—

This is the place I long have sought
And mourned because I found it not.

But the facts are that mine is a machine-worked mine and the work done by these men was by contract. It usually takes three men to operate a mine machine, a cutter, helper, and loader, and these earnings were most likely divided between the three, and if the services of the loader were dispensed with then the wages were divided between two men, although the amount was paid directly to John Postuluk, the contractor, who paid his assistants.

Because the miners, after waiting for over two years for a raise in wages to which they are justly entitled, and pleading in every possible way that at least a part of their request be granted, finally quit work rather than submit to a continuance of such hard conditions, a Washington newspaper is moved to declare editorially in the fullness of its wrath that—

The public can bring the miners to a realization that they are in the same boat with all other people by the simple expedient of cutting off their food, clothing, water, mail, and other supplies.

In other words, that paper would drive the miners off the face of the earth if they do not tamely work for the wages the nonproducing part of the public demands they shall receive. It would starve and make naked women and little children if the miners dare call their souls their own and refuse to submit to unjust working conditions. Such a sentiment is unadulterated Bolshevism, and is worthy of Lenin and Trotsky and the soviet murderers of Russia, who starve women and children in order to compel the people of that oppressed and forsaken land to submit to their demands.

There are various kinds of Bolsheviks—the bomb thrower, the poisoner, the parlor Bolshevik, the newspaper Bolshevik,

and others, all of the same ilk and kidney, and all of whom should be deported forever out of this Republic. The Bolshevik who advocates class distinction and oppression by starvation of one class in order to compel it to submit to the unjust demands of another and nonproducing class is just as harmful a Bolshevik as the bomb thrower and just as great a menace to the stability of the Government, and the same punishment should be meted out to him as to the bomb thrower.

All these various kinds of Bolsheviks, newspaper Bolsheviks, who advocate the starving of women and children, included, are the unwashed products of anarchistic sentiment, and, like the olden Scottish seers and Roman augurs, claim to foretell most all events with unerring certainty in the advocacy of their diabolical doctrine and promulgate measures which are poison to our civilization and a menace to the liberties of our country. The newspaper which made the above editorial comment advocates more harmful methods than those it condemns in the miners.

The miners stood nobly by our country during the war. Besides leaving a multitude of dead on the battle fields of France, they delved into the mines and furnished the fuel to keep the wheels of our munition factories and all other industries running day and night. They did not hesitate or falter. Had they not been industrious and faithful the fires in every factory in this land would have gone out and the gates would have been closed. The mills would have run slowly or been silent. Every mother's hearts would have been apprehensive and the printed roster of our unfed dead in France would have been much more appalling. Sorrowful faces would have blanched with added terror from one end of this land to the other. Our armies would have melted away. Commerce would have been ruined and wealth destroyed by the billions and this Republic would have become the victim of the greed of Bolshevism and the passion of monarchs.

The baleful gaze of warring millions is now lifted from the red fields of death and battle and the feet of marching armies are turned from the ways of war to the paths of peace, and the coal miners of America deserve as much credit as any other class of citizens for helping to win the victory. [Applause.]

Mr. ASHBROOK. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY. Mr. Chairman, I desire to call the attention of the committee to a matter that has been pending before the Committee on Foreign Affairs for some time which has attracted considerable attention in the press and elsewhere. That is the question of the return to the United States of the bodies of American soldier and sailor dead buried in France. I want to say that in discussing this matter I trust I shall not be charged with unduly agitating or stirring up any kind of sentiment respecting the matter, because such is not my intention. I am prompted to say what I intend to say this afternoon only by the fact that I am a member of the Committee on Foreign Affairs, which has been conducting a good many hearings upon this subject, and because a good many delegations have appeared before us with reference to the situation.

I have to-day introduced a joint resolution and asked that it be referred to that committee, and I believe if it is passed promptly by the two Houses it will have a very great effect toward persuading the French Republic to lift the present restrictions which prevent the disinterment and return of American soldiers to the United States. The resolution is as follows:

Joint resolution requesting the French Republic to repeal, modify, or suspend the laws, ministerial instructions, and regulations of the French Republic preventing the immediate disinterment and return to the United States of American military dead buried in France, and directing the Secretary of War, upon the French Republic consenting, to take appropriate action to effect such disinterment and removal to the United States of such bodies in cases where requests for such removal are made by the nearest of kin.

Resolved, etc., That the French Republic be, and is hereby, earnestly requested to repeal, modify, or suspend, in so far as same may apply to the bodies of American soldiers, sailors, and marines, the laws, ministerial instructions, and regulations of the French Republic preventing the immediate disinterment and speedy removal to the United States of the bodies of American soldiers, sailors, and marines now interred in France, so that the Government of the United States may remove to the United States the bodies of such soldiers, sailors, and marines, in cases where requests for such return are made by the nearest of kin of such deceased soldiers, sailors, and marines, for burial in the United States.

SEC. 2. That the Secretary of State transmit to the Government of the French Republic a certified copy of this resolution.

SEC. 3. That the Secretary of War be, and he is hereby, directed, upon the French Republic consenting to such disinterment and removal, to take appropriate and necessary action to exhume and remove to the United States with all reasonable speed and safety and with due ceremony the bodies of all soldiers, sailors, and marines of the American Expeditionary Forces who are buried in France and the return of whose bodies to the United States is desired and expressed by the nearest of kin. The Secretary of War is further directed, upon arrival of such bodies in the United States, to make such delivery or disposition of such bodies as may be requested respectively by the nearest of kin.

Briefly, the situation is simply this: Pending hostilities the American authorities and the French authorities undertook to arrive at some agreement as to when American soldier dead lying in France should be returned to the United States. On account of the great troubles of transportation and the vast machinery of our Army in France, the French Government, at the request of the American military authorities, postponed the consideration of any agreement until after all American forces should have left France. It was purposed that at that time discussions would be taken up with a view to arriving at some definite conclusion between the two countries. Recently the State Department and the War Department have taken up with the French Government the question of arriving at some understanding upon the subject. Up to date the French Republic has declined to permit the disinterment and removal of bodies to the United States prior to January 1, 1922. It has been urged by the French authorities that sanitary considerations, transport considerations, and other things were of such a character as to make it impractical to carry out this policy with reference to their own soldiers, and they argue that to permit the United States to disinter their dead and bring them back to the United States would excite the French people to make the same demands upon their own Government. A great many bills have been introduced upon the subject, as well as several resolutions.

The gentleman from Indiana [Mr. BLAND] some time ago introduced a very elaborate measure providing for the establishment of an independent commission and providing for an appropriation of \$50,000,000 and the building up of a machine to carry out this work. The practical difficulties which present themselves with reference to this matter are, first, we must secure the consent of the French Government, and so my joint resolution provides in terms that the two Houses of Congress respectfully request that the French Republic repeal, modify, or suspend its laws, ministerial instructions, and regulations so as to permit the United States to bring back to this country the bodies of such soldiers, sailors, and marines where such removal may be requested by the nearest of kin. The second part of the resolution is a direction to the Secretary of War to proceed with the disinterment, upon the consent of the French Government being obtained, and to bring back to the United States the bodies of those soldiers whose nearest of kin desire and express the wish for that to be done.

The reason these other bills establishing independent commissions should not be adopted lies in the fact that the War Department already has an extensive machinery established for this very purpose. A graves-registration service has been organized for quite a long time and has successfully carried out the disinterment of bodies in isolated graves and centralized them in the great central cemeteries. Therefore if the resolution which I have introduced shall meet with the favor of Congress, nothing further will be needed in the way of legislation to effect the return of the bodies of these soldiers or marines. The graves-registration bureau has already, through the office of The Adjutant General, obtained from a large percentage of the nearest of kin of these soldiers and marines information as to whether or not their return is desired.

And so with this information at hand, and with the other information which the bureau possesses as to the location of the graves and the identification of the bodies, it ought to be comparatively a simple matter, when the French Government consents, to disinter those bodies and return them to the United States. A great deal of discussion has taken place in the public press and on the floor here with reference to propaganda, both for the return of the soldiers' bodies and against the return of the soldier dead. It is a question upon which I take it any propaganda one way or the other is improper. The War Department has been very severely criticized for the statement of the Secretary of War and the statement of Gen. Pershing that the department and Gen. Pershing indulged the hope that the parents and kin of these soldier dead would be content to let their remains rest in France. I do not believe that the expression of that opinion on the part of those functionaries involved any breach of propriety. I take it that the War Department being in touch with this situation and understanding the difficulties involved, nothing improper upon the part of those gentlemen was done in expressing that opinion. Those who favor and have been urging the return of the bodies have very seriously and very bitterly criticized the position of the War Department in that regard. But the Secretary of War has always said that irrespective of the views of the War Department, the War Department had promised to return the bodies of all soldiers whose parents or next of kin requested it and that the department intended faithfully to keep that promise, and I believe that that is true, and it is borne out by the fact that already steps have been taken by the War Department to bring

back the soldier dead from every country in Europe with the exception of France, and with regard to France steps have already been taken to bring back the soldier dead whose parents or nearest of kin have requested it who were buried in those areas of France out of what is known as the "zone of the army." The French consented to the disinterment and return of those bodies. So I take it there can be no question about the good faith of the War Department in carrying out the promise which it made, and for that reason the resolution which I have introduced simply directs the Secretary of War to carry out that policy with reference to all bodies in France, and that is one reason why no independent organization should be set up.

But, my friends, the propaganda on this subject, if such it be, has not been made on the part of the War Department or on the part of Gen. Pershing alone. The Undertakers' Association of the United States has become very much concerned about this, and, much to its shame, it seems that it is taking part in an agitation throughout the country to stir up a sentiment that these soldier dead should be returned. Such an effort to commercialize the sorrow of the mothers and fathers of America should be bitterly condemned and denounced, and so far as I am concerned no condemnation could be too bitter or too severe. I hold in my hand a clipping from a newspaper dated September 21, copied from, I believe, the Star, which is as follows:

WILL URGE UNITED STATES FIGHTERS' BODIES BE BORNE TO UNITED STATES.

ATLANTIC CITY, N. J., September 11.

A demand will be made upon the United States Government by the National Funeral Directors' Association that the bodies of American fallen heroes buried in France be brought home for burial.

At the opening session of the organization's annual convention here yesterday the statement made at the outset of the war that ultimately the body of every American fighting man who made the supreme sacrifice would be brought home for burial was read into the records.

John Moss, national president, of Louisville, in his address declared there is spreading throughout the Nation a universal demand that this be done.

The CHAIRMAN. In compliance with the request of the gentleman the Chair desires to notify him that he has consumed eight minutes.

Mr. CONNALLY. I thank the Chairman. I also have before me here a copy of the Stars and Stripes, a paper published here in Washington by some of the soldiers connected with the publication of the Stars and Stripes of the American Expeditionary Forces. This paper contains an editorial which cites a letter to the trade published in the Casket, in which the writer seeks to make capital of this subject, somewhat in these words:

For nearly every American soldier returned, some funeral director will be called upon to perform the necessary duties of reception and burial.

Then this writer fairly chortles:

"Extra business, gentlemen! Legitimate, patriotic, kindly, sympathetic, remunerative extra business."

Perhaps dimly sensing something outrageous in his own jubilation, he hastens to add:

"No increased death rate, no additional widows and orphans—only the final laying away of America's sons in the bosom of their dear motherland."

The editorial in the Stars and Stripes justly condemns this brazen appeal of the writer in the Casket.

Now, Mr. Chairman and gentlemen of the committee, so far as my own personal feelings regarding this matter are concerned, if I had a son who had fallen in France I would prefer his bones be left at rest in that soil which he sanctified by his death. But as to those parents and to those wives back here in the United States who, in their sorrow and grief, may desire that the bones of their loved ones be returned to repose in their family cemeteries or in a national cemetery, I do not believe that the United States ought to hesitate in its efforts to secure the consent of the French Republic that we may bring back whatever may remain of the once strong and healthy soldiers who left these shores to fight the Republic's battles, to deliver them back, poor remains that they may be but yet sacred to the Nation, to those who loved them in life and who grieve for their death. [Applause.] And while I would not stir a sentiment in the heart of the father or mother who is content to leave those remains in France, I would not unduly agitate a desire to bring them back, because there can be no doubt that in some cases serious disappointment may result. Perhaps terrible mistakes may occur, but there seems to be a great demand throughout the country, as disclosed before our committee and in the hearings before that committee, that many parents, many fathers, many mothers, many widows, desire that those remains be returned to the United States; and I take it that if we should act at all we should act very promptly in this matter, because only a few days ago, under a Paris date line, the statement was made that the French Republic had refused the request made

through the State Department a short time ago regarding this matter, and intimated very strongly that if the United States Government should bring pressure to bear the French Government would yield.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASHBROOK. I yield the gentleman one additional minute.

Mr. CONNALLY. Under these circumstances, gentlemen of the committee, when the French Republic is made to understand the great difficulties which our people will experience in visiting France, of the widespread demand for the return of the bodies of our soldier dead, I do not believe the French Republic will refuse to permit the return, especially if it is backed up by a resolution of both Houses of Congress asking that these restrictions be lifted.

I hope to have a favorable report from the Committee on Foreign Affairs on this resolution within a very few days, and I most respectfully request that those of you who are interested in this subject may cooperate in bringing the matter speedily to the attention of the House. If we can pass the resolution, I am confident that the French Republic will relax its objection and permit the removal to be accomplished.

I thank you. [Applause.]

Mr. ASHBROOK. Mr. Chairman, I will ask the gentleman from Indiana [Mr. VESTAL] to use his time. I have a few minutes remaining and will yield them to him.

The CHAIRMAN. The gentleman from Indiana is recognized for 11 minutes.

Mr. VESTAL. Mr. Chairman, I will yield the remainder of my time to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, I am an advocate of standardization and have often spoken in favor of different forms of standardization on this floor. I shall support this bill unless more serious objections are presented than have been brought out in general debate. The contention that because we fix the unit of weight at 100 pounds or the standard barrel of flour at 200 pounds one can not sell any number of pounds except a multiple or certain fraction of this number, as provided in this bill, is not tenable and does not appeal to me. It seems to me that all the bill means is that where a standard bag, package, or container of any kind is indicated it must be at one of these weights, but if a man wishes to buy an odd number of pounds out of a barrel there is nothing in this bill that can possibly prevent it.

I wish to speak about the standardization of another article which is a matter of importance in our industries.

About a year and a half ago, upon my urgent representation, a bill was passed through this House, which later became a law, authorizing the appointment of a commission for the standardization of screw threads. When the word "commission" is used Members of Congress usually prick up their ears and get ready to say unkind things. I think, however, that when the results of the work of this commission are presented it will be found to be in a different class from most commissions that have gone before it.

It was said there would be no expense, or practically no expense, connected with the work of the commission. That promise has been lived up to literally, and although the commission has run nearly a year and a half it has strictly kept to the original representation in that regard.

The membership of the commission consists of the Director of the Bureau of Standards, two Army officers, two Navy officers, and four eminent engineers nominated by the American Society of Mechanical Engineers and the American Society of Automotive Engineers. The commission was appointed September 21, 1917, for a term of six months, which by act of Congress was extended one year, so that the life of the commission, unless again extended, will expire March 21, 1920.

The problem this commission set out to solve was to standardize and simplify screw-thread practice in the industries of the United States. There have been and are many times the number of different varieties of screws actually needed in our industries. Even those described in the same language are not always interchangeable.

The commission has just made a tentative report on its work. I say tentative because it is desired before a final report is made to have the proposed report submitted to the most searching examination and criticism of engineers and manufacturers generally. In my judgment, when this report is made, approved, and promulgated for general use in the industries of the country it will prove to be a monumental work, the effect of which will be widespread and far-reaching. One of the results will be in greatly reducing the number of sizes, varieties, and kinds of screws manufactured. This of itself will be a tremendous saving.

When the report of this commission is generally adopted, hardware dealers may greatly reduce the number and quantity of screws they will have to carry in stock. It will render interchangeable the several parts of machines and other articles manufactured in different factories and in different parts of the country. This will greatly facilitate production in peace as in war. It will enable one factory to produce in great quantities certain parts of articles, while another factory, widely separated, will produce in large quantities other parts. All of these parts may then be brought together in still another place and there assembled. The ability to do this will aid materially in keeping our manufacturing industries abreast of the industrial development sure to follow the war.

Mr. MANN of Illinois. Will the gentleman from Connecticut yield?

Mr. TILSON. I yield to the gentleman from Illinois.

Mr. MANN of Illinois. What is the standard of measurement? Is it decimal or international?

Mr. TILSON. The standard is worked out in decimal fractions of feet and inches, but so as to be readily translated into the metric system as well.

The adoption of a uniform standard of tolerances in screw threads will increase the dependability of all mechanisms in which screws are used, and among other advantages will add greatly to the safety of travel by rail, by automobile, by steamship, and by aeroplane.

One of the interesting phases considered and reported upon by the commission is screw-thread terminology. It will be a distinct step in advance if in the future the engineer, the manufacturer, and the consumer may use the same language in dealing with this very important subject and if the same terms used in specifications and drawings shall mean the same thing.

The results of the work of this commission will not be confined to the limits of this country. It is sure to take a much wider range. The Screw Thread Commission visited France and England, and there is reason to hope that a uniform standard of screw-thread practice may be adopted internationally. When the work of our commission was submitted to a member of the standards commission of Great Britain, he is reported to have said after examining it for many days that the work had been done with characteristic American speed and British thoroughness.

I shall not now ask to have this report printed as a House document, because it contains a number of tables, plates, and drawings, which would be somewhat difficult and expensive to reproduce, but the report when finally approved and promulgated will be printed as a Government document, and made accessible not only to Members of Congress but to the metal industries generally. I call attention to the matter now, so that the Members of the House who aided in the passing of this bill may know that in so doing they participated in what is destined to be a notable work in American industry.

I can not be unmindful of the fact that when I presented this matter to the House originally, almost two years ago, many Members were kind enough to say that it was largely upon my recommendation that they voted for it, and because of their confidence in me that I would not attempt to put anything through this House that I did not at least sincerely believe was meritorious. I then believed that it would be highly beneficial, and I am more convinced of it now than ever. I have brought it to your attention now so that when the work is finally approved and promulgated you may see what it is for yourselves, and I believe that you will then agree with me that in passing the original bill you participated in a good work. [Applause.]

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes; I yield.

Mr. SAUNDERS of Virginia. I understand from the gentleman's statement that it is his judgment that if this report is adopted there will be fewer varieties of bolts to be carried in stock by the dealers than formerly?

Mr. TILSON. Yes. The number will be considerably reduced.

Mr. SAUNDERS of Virginia. That would be done by having a standard for the bolts?

Mr. TILSON. Yes.

Mr. SAUNDERS of Virginia. And there will be a uniform standard for all bolts, whether an inch, or half inch, or any other size?

Mr. TILSON. Yes. There will be different classes for different requirements. "A" class may be for fine work, "B" class for medium work, and "C" class for work requiring only a loose fit. There may be an additional class, "AA," perhaps, for very fine work. It is all worked out in formulas which will

provide a sufficient number of sizes, shapes, and varieties to serve all possible purposes.

In accordance with permission granted there is here inserted a letter from Dr. S. W. Stratton, Director of the Bureau of Standards, and a brief summary by him of the work of the commission:

DEPARTMENT OF COMMERCE,
BUREAU OF STANDARDS,
Washington, October 24, 1919.

Hon. JOHN Q. TILSON,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN TILSON: In accordance with our conversation the other evening I am sending to you herewith a "Summary of the results of the work of the National Screw Thread Commission," together with some supplementary remarks concerning it. You may modify the form in any way you see fit, or if you desire more detail we would be pleased to extend our statements.

With kindest regards and thanking you for the interest you are taking in our work, I remain,
Very truly, yours,

S. W. STRATTON,
Director Bureau of Standards and
Chairman of the Commission.

Summary of the results of the work of the National Screw Thread Commission, authorized by an act of Congress approved July 18, 1919, and extended by an act of Congress approved March 3, 1919.

A tentative report has been prepared by the commission containing complete specifications, tolerances, drawings, and other detailed information necessary for the production of interchangeable screw threads. It is the most complete guide on the subject of uniform screw threads that has been prepared, and will serve as the basis for any future national and international standardization.

This report, which is based on the best present practice in the arsenals, naval gun factories, and private manufacturing plants of the country, will, when approved by the Secretaries of War, Navy, and Commerce, become the basis for all screw-thread work of the various manufacturing plants under the control of these departments. As far as practicable, it will be used in all specifications for screw threads in proposals for articles, parts, and materials to be purchased by the Government. Many manufacturers have already made inquiries for the report with a view to its immediate adoption.

The need for screw-thread standardization was acutely felt by both manufacturers and the Government in the production of munitions of war. The manufacture of separate parts in different factories in various parts of the country and their final assembly at central points involved standardization and interchangeable manufacture to an extent never before attempted.

It is extremely fortunate that the National Screw Thread Commission was appointed at a time when it was able to participate in and take advantage of the screw-thread standardization that had been accomplished during the war for the manufacture of munitions. The commission has correlated the experience gained by the military departments and has put it into form for public use. The "salvage value" of this experience is of inestimable value to manufacturers and users of screw-thread products.

Not only has the standardization work done by the War and Navy Departments been freely drawn upon in the preparation of the report, but that of the engineering societies as well, which have been of the greatest assistance to the commission.

Public hearings have been held by the commission in various industrial centers of the country for the purpose of obtaining first-hand information on this subject from the manufacturers and users of screw-thread products throughout the country. They have given most valuable information and suggestions in regard to their needs and present practices and have shown great interest in the work of the commission.

The CHAIRMAN. The time of the gentleman from Connecticut has expired. All time has expired, and under the rule adopted for our guidance the bill will now be read for amendment under the five-minute rule. The Clerk will read the bill. The Clerk read as follows:

Be it enacted, etc., That the standard of weights for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, shall be 100 pounds avoirdupois, and the standard measure for such commodities, when the same are packed, shipped, sold, or offered for sale in packages of 5 pounds or over shall be a package containing net avoirdupois weight 100 pounds, or a multiple of 100 pounds, or one of the following fractions thereof: 5, 10, 25, or 50 pounds, and in addition, but for commercial feeding stuffs only, 60, 70, or 80 pounds.

Mr. WINGO. Mr. Chairman, I move to strike out the following words, page 2, line 2, "but for commercial feeding stuffs only, 60, 70, or 80 pounds."

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 2, line 2, after the word "addition," strike out all the balance of the section.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. WINGO. The amendment should really come after the word "pounds."

The CHAIRMAN. Does the gentleman ask unanimous consent to modify his amendment?

Mr. WINGO. Yes.

The CHAIRMAN. Is there objection to the gentleman's request that his amendment be modified in the manner indicated?

There was no objection.

Mr. WINGO. Mr. Chairman, this is not a new question. Every session of Congress we have some proposal that involves the right of Congress under the Constitution to establish standard weights and measures. We have no right to go further. I recognize the necessity as well as the right of Congress to fix standard weights and measures, but not to apply them. There is a very clear distinction between saying that a certain thing shall constitute a pound and that so many pounds of a certain article shall constitute a bushel, and that so many inches shall constitute a yard, and that so many grains shall be a dram and so many drams shall be an ounce and so many ounces shall be a pound—there is quite a difference between doing that and in saying that every bottle of Castoria that is sold shall contain 8 fluid ounces or that every barrel of flour that is sold shall contain 200 units or pounds of the standard weight which Congress has fixed.

Why, gentlemen, if we have the constitutional right to say that there shall be 200 of the standard units or pounds in every package of flour simply because we have the constitutional right to fix standard weights and measures, then having the right to say 36 inches shall constitute a yard, on that same theory we would have the right to say that all the coats manufactured and shipped in interstate commerce should be 40 inches long. It is the same kind of a proposition exactly.

Now, let us see what you have here. Let us get down to my amendment. You have a penalty imposed which provides a fine of \$500 for a violation of this act. The amendment I have offered is to strike out the words "and in addition, but for commercial feeding stuffs only, 60, 70, or 80 pounds." Do the members of the committee who framed this act know and realize that in every township, in every little community, there are little feed mills run by the farmers, where the farmer puts up the feed first in one kind of a sack that he gets and then in another and sells it by the pound? Yet such sales are "package" sales under this act. Oh, yes; the farmer out in Illinois, running his little old gristmill, using his Ford engine to do it, grinding up foodstuffs, uses sacks, and if they happen to contain 50 pounds or 75 pounds or 88 pounds or 101 pounds, for instance, and if he sells it, what does he do? He has committed a Federal offense under this proposed law and can be fined \$500.

Oh, gentlemen, what a miserable, petty business this is when you go into it, trying to say how people shall put up their goods.

You now have a law to make them brand every sack of flour that is sold with the weight, and the law requires a correct statement of the ingredients. That prevents fraud, but this proposal goes further and changes the customary standard sizes. The committee report admits that the standard barrel of flour is 196 pounds, and you frankly admit that you are going to change the standard to 200 pounds. I am in favor of the statute which says you must put on the containers the net weight and the ingredients, but when you come to say that the American manufacturer, whether he be a little farmer, putting his own product into a package to be sold, or whether he be the proprietor of a great milling plant, shall be permitted to sell in interstate commerce packages of only a certain size in a certain shape is absolute folly. Nobody but a crazy socialist would ever favor it if he understood what it meant. It is nothing but foolishness gone to seed, and that is what socialism is. No wonder you have people in this country sore at the Federal Government. The first thing you know you will undertake to standardize clothing, saying coats shall be so many inches long and ladies' skirts so many inches short. You have people who advocate standardizing clothing. You have people who advocate standardizing shoes. You have people who advocate standardizing neckties, making them so wide and so long. You have one darned fool who is advocating that we undertake to have a winter thermometer. Why, it is in keeping with that crazy idea of the conservation of daylight, that daylight-saving law that we tried that was such a joke. Oh, yes; you are going to make this farmer use only 60, 70, or 80 pound sacks in which to sell his feed stuffs. Why, to save his life he could not get them uniform. One sack would weigh a pound or two more than another, owing to the difference of the weather, the dampness that might be in the stuff at the time he packed it.

What miserable business has Congress come to when it goes into petty, little things like that at a time when there is unrest throughout the country, at a time when every man who believes in representative government ought to realize that instead of dabbled in little things like this we should as quickly as we can, consistently with war conditions, take our hands off private enterprise. I am sick of the Federal Government dabbled in such petty business. We have fixed the standard of so many pounds to constitute a bushel of the different grains. That is all right. We require them to label the sack and packages with

what is in it and the weight, so that the purchaser shall not be deceived. That is all right. Say that no one shall put up anything except wholesome stuff and that the container must state what the ingredients are. Go further and prevent the sale of partially filled packages. Such laws are all right from the standpoint of protecting the public health and preventing fraud; but to say that you must use packages of only certain sizes and weights, and if you use one of a different size, though correctly labeled and full, you shall be punished as a criminal is foolish and unnecessary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN of Illinois. Mr. Chairman, I am always entertained and generally instructed by the speeches of the gentleman from Arkansas [Mr. Wingo], though I have heard this particular speech, either from him or from some one else, a great many times since we commenced agitation of the pure-food law in Congress, and afterwards in connection with the passage of various bills fixing standards of measures for various commodities.

The Constitution of the United States provides that Congress shall have the right to fix the standard of weights and measures; not merely the standard of weights but the standard of measures; not merely to say what shall constitute a hundred pounds, if it so desires, but to fix the standard of the measure of the article itself. We have exercised that power in a few cases. I do not now recall which was the first bill that came up, but there was a very strenuous fight over it on the floor of the House a number of Congresses ago. There was afterwards a considerable contest over the lime-barrel bill. There was some contest over the apple-box bill, and I think my distinguished friend from Arkansas made this same speech on the apple-box bill, though I may be mistaken as to the identity of the person who made the speech. That is my recollection.

Nobody has ever heard a single complaint from any source whatever as to the workings of those laws which were passed fixing the standard of measure of various commodities. Before that no one knew what he was getting, and there was constant attempt at fraud and deceit by reason of the variation in the measures which were used in selling and handling these commodities.

Mr. WINGO. Will the gentleman yield for a question?

Mr. MANN of Illinois. Yes.

Mr. WINGO. When the gentleman goes down to the market and buys a sack of flour and it shows on the container the weight—8 or 12 pounds—he can not be deceived about the weight, can he?

Mr. MANN of Illinois. I had charge of the pure-food bill when it was passed and became a law. I first brought into the House in the pure-food bill a provision requiring that the quantity of the contents should be stated on every package containing food. Why, such a howl as went up from a lot of canners and manufacturers in this country has rarely been equaled since. The distinguished gentleman from Arkansas [Mr. Wingo], whom we did not then have the honor of having with us, would have been opposed to that provision if he had been here. After a warm debate the House struck out that provision on the motion of a gentleman who was afterwards Vice President of the United States, and a broad-minded statesman, too, Mr. Sherman.

The House struck it out. I said to the House then, "Whenever you prevent fraud in one direction and leave a loophole in another the people who want to commit fraud will quickly find the loophole; and, though you may strike out a provision for putting on packages the quantity of the contents, there will soon come a time when the men who handle groceries throughout the country will come and demand that we put it on." It was not very long until these same gentlemen who had agitated and succeeded in carrying the agitation by a majority in this House came to me while I was chairman of the Committee on Interstate Commerce and begged me to formulate a proposition which might be put through to put that into the law, and I did it, and it became the law. And nobody has ever complained about it since except those who want to commit fraud. But merely putting the quantity and contents on many packages is not sufficient. I defy any man in this House to tell the difference between a sack of flour containing 40 pounds and a sack of flour containing 35 pounds merely by looking at it. I brought into the House on the pure-food bill an after can of the same article and defied men who were fighting me on the proposition to come and tell which was the larger of two cans by looking at them. When they would come down and pick out the smallest for the largest I would put the cans on the scales and show them that they could not tell.

The person who buys these things buys largely by the looks, and it is a fraud upon him to have one man selling flour in

packages of 40 pounds and another putting up packages of 30 pounds and 35 pounds, or somewhere between, and making the purchaser believe that he is getting the same quantity of flour possibly at the same or a slightly reduced price.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN of Illinois. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN of Illinois. The greatest difficulty which was found in connection with putting the net quantity on the containers was the fact that it is impossible to manufacture two containers of exactly the same size. Even when you do it by machinery two containers will not contain precisely the same amount. You can not make two bottles which will contain precisely the same quantity. You can not make two boxes or two barrels or two sacks that will contain precisely the same quantity, and that was the great difficulty.

We finally solved that by putting a provision in the law that variations would be allowed and that tolerances should be fixed by the Department of Agriculture.

This bill provides for such rules and regulations which shall include reasonable variations and tolerances which shall be allowed.

No one has ever complained, so far as I know, about the tolerances fixed by the Department of Agriculture, fixed in connection with the pure-food law, although it covers an almost innumerable number of cases. There is no difficulty whatever in fixing tolerances under the provisions of a bill like this which will safeguard any man who tries or pretends to be honest.

Mr. WINGO. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. WINGO. Will there be any less difficulty in making a 200-pound barrel than a 196-pound barrel?

Mr. MANN of Illinois. Not at all.

Mr. WINGO. How does the gentleman's argument go to the point in question?

Mr. MANN of Illinois. The gentleman from Arkansas was undertaking to say that this would penalize a man on the farm who was trying to put up an 80-pound package if he got a little over or a little under. That was the substance of the argument that I was trying to demolish.

Mr. WINGO. If the gentleman will permit me, perhaps I was unfortunate in using 1 pound, but take, for instance, a gunny sack, and he puts up the mill product to the amount of 94 pounds. Under this provision he would be penalized, for they would not allow a variation of 14 pounds.

Mr. MANN of Illinois. No; and the man would not put it up in a gunny sack in that way. He would only try to do it when he was attempting to commit a fraud.

Mr. WINGO. Oh, no; they do it in order to prevent buying expensive sacks.

Mr. MANN of Illinois. The gunny sacks will be of a certain size.

Mr. WALSH. Will the gentleman yield?

Mr. MANN of Illinois. I will.

Mr. WALSH. Would the gentleman say that we are fixing a standard package of flour by saying that the container shall have 200 pounds when the container itself might be large enough to hold 250 pounds?

Mr. MANN of Illinois. The container, I take it, under this provision will be large enough to hold 200 pounds.

Mr. WALSH. And it might be large enough to hold 250 pounds.

Mr. MANN of Illinois. I do not think so.

Mr. WALSH. I think this language would permit it.

Mr. MANN of Illinois. That sort of a fraud is now being committed. They make a large container and print the contents of the package in small letters, so that the container looks as though it contained a great deal more than it does. They put the weight in letters that do not attract attention. There can be no possible objection, where there is a reason for it, to the Government fixing these standards so that they are universal throughout the country. I am as strenuously opposed as anybody to the Government attempting to regulate the business activities of the country. I do not think that is the duty of the General Government. But we are the only power that can make a uniform standard of measure, and whenever it has been exercised it has been for the benefit of everybody who was either a producer or a consumer. It seems to me that that would be the case by the passage of this bill. [Applause.]

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Mr. Chairman, if I understand the language of section 2 correctly, it would seem to fix the standard package by

stating that the standard package shall be those containing units of avoirdupois weight of 100 pounds and multiples of 100 pounds or the following fractions. You might have a barrel to contain 100 pounds of flour which would be large enough to contain 150 pounds. I do not think you are establishing a standard package by stating that this package must contain if it is sold for a standard package of 100 pounds—

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. GARD. Is the gentleman arguing for illustration, because we have not yet read section 2, to which he refers?

Mr. WALSH. I was simply arguing for illustration. Section 1 fixes the standard weights for certain commodities and the standard measure for such commodities when they are shipped, sold, or offered in packages of 5 pounds or over, but section 2 of the measure fixes the standard package, and I see nothing in that language or in any other language that would permit the required weights which are fixed as standards to be sold in other-sized packages which would be capable of holding more than the required standard, and I would like to have some member of the committee explain whether in selling these commodities in various weights and multiples or fractions of 100 pounds it is permitted to sell them in packages large enough to hold more than 100 pounds or whether the container must be of such size that they will hold the number of pounds, the multiples or fractions of 100 pounds, or the 100 pounds which are mentioned as the size of the standard package.

Mr. TOWNER. Mr. Chairman, I think the same difficulties arise and the same objections apply to this measure as applied to the standard apple barrel and box and all other container laws that we have passed. I think the difficulty arises in the minds of Members because of confusion of thought and because of lack of accuracy and clearness of statement, thereby confusing the object and purpose of the legislation. A man can sell all of the apples he desires or all of the flour that he wants to, and he can sell it in any form that he chooses. This bill has nothing to do with that matter. I think a close examination of the language will show that the object and purpose of the bill is to say that when dealers put on the market and sell in standardized packages the flour or any of the commodities mentioned in the bill the commodity shall be in these different easily ascertainable and identified quantities. For instance, if a man should put, as suggested by the gentleman from Illinois [Mr. MANN], flour in a package containing 35 pounds and flour in a package containing 40 pounds, ordinarily on the market, the purchaser merely looking at the package could not tell whether he was getting 35 or 40 pounds. In order that that fact may be easily ascertained, or as easily as possible, so that there may be no fraud on the purchasers whenever this class of commodities is placed on the market, the requirement is that the packages shall be as they are stated here, so that it can be ascertained whether or not he buys a 5 or 10 or 25 pound package of the commodity purchased.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. WINGO. Let us take one of the standard forms sold. A man wants an 8-pound package of flour. It is marked 8 pounds in red letters on the package. He wants a 12-pound package of flour, and that is marked 12 pounds, and the same is true of a 24-pound package or a 48-pound package. Will the gentleman please explain to the House how it is easier to perpetrate a fraud on a man selling a 48-pound package, marked 48 pounds, than it would be if he sold a 50-pound package, marked 50 pounds? Where is there any opportunity for fraud in one that there is not in the other?

Mr. TOWNER. The gentleman asks a question that I can not answer. I could not be frank and say that I could say whether or not there was any difference, but that does not reach the proposition involved.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. In a moment. That is not the proposition that is before the committee. The proposition before the committee is, Shall we do as we have done before, make these packages so that these people will understand readily what they are purchasing, so that they will know by the mere appearance of the package, so that it can be always understood, so that when a purchase is made it will be made for a definitely ascertained amount, and that the purchaser can not be deceived either directly or indirectly by concealing the markings or by obscuring them in any way? I yield to the gentleman from Tennessee.

Mr. PADGETT. Along the same line of thought, that there may not be confusion and misunderstanding from looking at the package, I direct the gentleman's attention to page 2, line 2—but for commercial feed stuffs only, 60, 70, or 80 pounds.

Will the buyer looking for a 60 and 70 pound package be able to distinguish them? Can not a 60-pound package be put off on the purchaser as a 70-pound package just as easily as a 35-pound package could be put off for a 40-pound package, which the gentleman illustrated a moment ago?

Mr. TOWNER. I think that that particular portion of the section is subject to that criticism.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. PADGETT. It occurred to me that ought to be stricken out.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAUGEN. Is it the gentleman's contention that it can be sold in other packages than these standard packages?

Mr. TOWNER. Yes, certainly; but if a man puts these packages out and sells them as standard packages he would be liable. For instance, the gentleman from Arkansas [Mr. Wingo] told about the farmers not being allowed to sell a gunny sack full of flour or bran, or whatever it may be. Of course, the farmer never attempts to standardize his package nor to sell his goods in standard packages.

Mr. HAUGEN. That is also true of the millers in inland towns.

Mr. TOWNER. Certainly.

Mr. HAUGEN. The bill provides that it shall be unlawful to pack, offer for sale, and so forth, "when in package form." Does that imply a standard package only?

Mr. TOWNER. It implies that if they are to sell in package form that they must conform to the requirements of this law. There is certainly no requirement in the bill that makes a man sell only in package form.

Mr. HAUGEN. Well, flour sold in a grain sack, is that in package form?

Mr. TOWNER. Certainly not.

Mr. HAUGEN. It is only in the standard package?

Mr. BANKHEAD. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. BANKHEAD. The custom in my section of the country, and maybe in the gentleman's section also, where the people who own a little gristmill, a corn-meal mill, where they charge a toll for grinding, of course their compensation is based upon the ability to dispose of the toll which they collect.

Does the gentleman from Iowa think that if one of those millers honestly made a mistake in the weight of a package in putting it up to sell in a sack or an available receptacle to him for that purpose that this system of tolerance that Mr. MANN referred to, or allowance that would be made, would protect a man of that sort in a mistake in putting up his package?

Mr. TOWNER. Unquestionably, if it was a slight variation. Let me say to the gentleman that the little man never sells in packages. This law would never apply to him, or very rarely indeed. He does not put it up in packages to sell as packages.

Mr. BANKHEAD. In my section of the country that practice does obtain, I will say to the gentleman.

Mr. TOWNER. It might be possible, of course. I do not know how extensive it might be, but I do not believe the man who is just engaged in the custom-milling business would pretend to sell in standard packages or put anything produced in the mill in standard packages. I do not think he would attempt to do that, and therefore this law would not apply.

Mr. BANKHEAD. Suppose as a matter of fact that they do that in some sections of the country and he puts up a package which shrinks in weight and when checked up by the Government inspector it was found to be 2 or 3 pounds under the standard weight. He would be subject to prosecution, would he not?

Mr. TOWNER. If he should attempt to sell the standard packages, certainly he would be under the requirements of this act, and in that case the shrinkage in weight with a slight variation certainly would not make him liable to the penalty as prescribed in this bill.

Mr. BANKHEAD. It says so in section 3. There is a penalty imposed in section 3—

Mr. TOWNER. Section 5 takes care of that.

Mr. PADGETT. If the gentleman will permit, I would like to get the gentleman's idea of the definition of a package. I want to ask how you can sell bran or ground feedstuffs or any of those things except in a package? Would not any quantity which is sold, whatever that quantity might be, constitute a package?

Mr. TOWNER. I think not, if you have a single package, because that would not be a standard package.

Mr. PADGETT. Why not? The difficulty I have in my mind is to get the gentleman's definition of a package. The gentleman

says "a standard package." Of course, if he puts it in a package and marks it as 50 pounds, that would be a standard package; but suppose that he had flour and that he had just a lot of flour and possibly that would be 410 pounds of flour or 465 pounds of flour. That would not be a sale in bulk, but that he put it in one package. Would not that be a package?

Mr. TOWNER. It would not be a standard package, as the gentleman can easily see.

Mr. PADGETT. You could get him because he did not sell in a standard package?

Mr. TOWNER. Oh, I think the gentleman is imagining a thing that no one would ever by any possibility of twist or turn of interpretation claim can be brought under this law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. Mr. Chairman, I wish to ask unanimous consent to extend the remarks I made a few moments ago by printing a short summary of the results of the work of the National Screw Thread Commission by Dr. Stratton, which I failed to ask permission to do at the time I made the remarks.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the manner indicated by him. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Chairman, I make the same request with regard to the remarks I made a while ago.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment as a substitute to the amendment of the gentleman from Arkansas [Mr. Wingo].

The CHAIRMAN. The gentleman from New Jersey offers a substitute to the amendment of the gentleman from Arkansas, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. HUTCHINSON for the amendment offered by Mr. Wingo: Page 2, line 3, strike out all of line 3 and insert in lieu thereof the words "not less than 100 pounds when packed."

Mr. HUTCHINSON. Mr. Chairman, I have two objects in view in offering this substitute. In the first place, we are talking about reducing the cost of living, and this amendment confines it to bran and middlings or any by-products of a wheat mill or corn mill, to be sold in packages of 60, 70, and 80 pounds. With commercial feeds now, the custom is to sell in 100-pound sacks. By reducing the number of packages you reduce the cost of a ton of feed, and the consequence is that you add \$130 per ton on every ton of commercial feed that you sell by selling 80 pounds to the sack.

Mr. GARRETT. Will the gentleman yield?

Mr. HUTCHINSON. I will.

Mr. GARRETT. Is there not this danger in the gentleman's amendment, that it would prevent the smaller package from being put on the market, and that a very large number of people might not, for financial reasons, be able, conveniently at least, to purchase more than a small package? That has been rather in my thought.

Mr. HUTCHINSON. I do not think this bill will affect any man who takes a bag to the mill and gets 50 pounds of bran because it is not stamped.

Mr. GARRETT. Of course, I know that. But the raiser of poultry in the city, of course, can not go to the mill and get his poultry feed. He may not want to buy in such large quantities as 100-pound sacks. The thing that has been in my mind is whether the bill does not require a package that is too large by making a minimum of 60 pounds.

Mr. HUTCHINSON. The original package must be standard at a certain weight.

Mr. GARRETT. The gentleman construes the act to mean that a retail dealer could break the package and sell in smaller quantities than the package?

Mr. HUTCHINSON. Yes.

Mr. GARRETT. If that construction is correct, perhaps it might meet the objection.

Mr. WELLING. Will the gentleman yield to a suggestion? There is nothing in this language that would prevent the packer from putting up 25 pounds of feeding stuff.

Mr. TILSON. Or 5 pounds.

Mr. WELLING. Or 5 pounds.

Mr. WINGO. That is the object of the bill.

Mr. GARRETT. If I understand, though, the amendment proposed by the gentleman would provide that they could not put up less than a 100-pound package.

Mr. WINGO. That is the object of the amendment.

Mr. WELLING. I think that is the object of the amendment. But as the bill reads he can put it up in smaller packages of 5 or 10 pounds, say.

Mr. BLANTON. Not feedstuff.

Mr. GARRETT. I think the gentleman is correct about the bill. It was the amendment I was addressing myself to.

Mr. BLANTON. Will the gentleman from New Jersey yield for a question?

Mr. HUTCHINSON. For a question.

Mr. BLANTON. Is it not a fact that almost every class of feedstuff that the farmers or stockmen buy is put up in 100-pound sacks?

Mr. HUTCHINSON. Generally.

Mr. BLANTON. And should not be changed.

Mr. HUTCHINSON. And should not be changed.

When a miller makes bran or any feedstuff from corn-mill products, there is a certain amount of moisture in it, and if a man puts up a ton of bran in Minnesota and it is shipped East, or anywhere else, it takes five or six weeks, and a certain amount of moisture dries out of that sack, and it generally runs from 2 to 3 pounds short. Under this bill the man that sells the bran or middling, or whatever it is, is liable to a penalty of \$500, and I do not think that is right. If it is so packed that it contains 100 pounds when packed, I do not think we ought to hold the seller or the retailer or the man that handles it six weeks or two months or three months after that, make them liable under this bill.

Mr. MONDELL. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from Wyoming?

Mr. HUTCHINSON. Yes.

Mr. MONDELL. This bill relates to a variety of packages and provides the weight that those packages must contain. That weight must necessarily in every case be the weight when packed?

Mr. HUTCHINSON. Certainly.

Mr. MONDELL. If there is to be an amendment of that sort, should it not be an amendment placed in the bill so as to clearly apply to every package and every standard, instead of one package and one standard?

Mr. HUTCHINSON. I have an amendment to that effect.

Mr. MONDELL. That is one provision in the bill, if that is necessary. It does not seem to me that it is necessary. When you say that the package shall contain a certain number of pounds it must contain that number of pounds when the package is filled.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. VESTAL rose.

The CHAIRMAN. Does the gentleman from Indiana rise in opposition to the substitute offered by the gentleman from New Jersey?

Mr. VESTAL. Yes. I wanted to say that I do not believe the substitute ought to be adopted. The standard for commercial foodstuffs is fixed at 60, 70, and 80 pounds, in addition to the other standards authorized, and that was put in this bill after hearings which were convincing to the committee. It was more for the purpose of taking care of these conditions in the West than anywhere else. A farmer in the West, for example—so the committee understood from the hearings—takes his wheat to the mill and uses these same containers again, or desires to use the same containers, in buying feedstuffs. This container in which he takes the wheat to the mill will not hold 100 pounds of feed. Probably it will not hold 90 pounds of feed. The result is that it is deemed advisable to protect the consumer in the amount he shall receive. We fix the standard at 60, 70, and 80 pounds, because it was represented to us that these containers would hold 60, 70, or 80 pounds instead of holding 100 pounds.

Mr. WELLING. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. WELLING. Is it the purpose of the committee in making these different kinds of packages to say that the farmer when he goes to the mill shall have his feed put up in 60, 70, and 80 pound sacks?

Mr. VESTAL. I think not.

Mr. WELLING. Then why do you put it in?

Mr. VESTAL. If the farmer goes there and they are permitted to put 100 pounds in one of these sacks, suppose they have a number of those sacks filled and turn the filled sacks back to the farmer when he leaves his grain there; they say that contains 100 pounds.

The farmer could not tell whether there was 90 pounds or 100 pounds in the sack. It would not mean that the farmer would have to use the same container that he used in taking his wheat to the mill, but containers of the same kind that might be filled with commercial feed, which he takes in return for the wheat. I hope this substitute will be defeated. It does

not prevent the miller from putting up packages containing 100 pounds, but adds the 60, 70, and 80 pounds that containers used by the farmer may be used.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. GARD. I hold in my hand a copy of a law passed on October 22, 1919, which is an amendment to the food-control act, providing for the adequate supply and equitable distribution, and to facilitate the movement of foods, feed, and containers primarily designed for containing foods, feed, and fertilizer, and investing in the President the power to make regulations essential to carry out the purposes of the act. What effect would this bill that we are passing have upon the act I have referred to, or what effect has that act upon the bill we are engaged in passing?

Mr. VESTAL. I can not say. I have not looked into the situation enough to give an intelligent answer.

Mr. GARD. We have the law of October 22, investing in the President the power to make regulations, and the amendment we put in, I will say to the gentleman, was in regard to the container primarily designed or intended for carrying food, feed, or fertilizer. Of course, the container is a very important element in the transmission of food and feed, as the gentleman knows. We have this law, approved on October 22, a little over a year ago, investing in the President the power to make all necessary regulations.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. GARRETT. That is the cold-storage act?

Mr. GARD. No. That is the food-control act.

Mr. WINGO. Mr. Chairman, I move to strike out the last word of the substitute.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word of the substitute. The gentleman is recognized for five minutes.

Mr. WINGO. Mr. Chairman, the debate on the substitute has disclosed more fully the trouble and the danger of this bill. What is the custom in the Southwest? There might be a different custom in the Northwest or in the East, but, for illustration, I happen to know that there are different customs existing in some of the States.

Take, for instance, a great State like Texas. That part of it that is fed from one class of mills has a different custom from that part which is fed from another class of mills. There is a different custom in my district from what there is in the other part of the State of Arkansas, because my district happens to be furnished with foodstuffs from mills in Oklahoma City and in certain points in Kansas.

The gentleman from Iowa, Judge TOWNER, is very badly mistaken when he says that in the State of Iowa there are no such small feed mills as I suggested, because I have seen them in the State of Iowa, and one farmer that I know in my district, who I think would be affected, is an Iowa man who moved into my district.

Now, how do these community feed establishments get their sacks? They do not go and buy commercial sacks. They buy from the farmers and from the boys any kind of sacks they can get.

They actually use for one kind of ground feed stuffs fertilizer sacks after they are washed. Now, suppose a man is grinding feed and he grinds up corn and cobs together. He will turn out a lighter product from corn that has a large cob than from corn which has a smaller cob. Yet that miller uses containers, because that is the only way he sells. He does not go and scoop it up and sell it out of a barrel and say, "I will give you so many pounds." He puts it up in sacks. Now, you already have a law that protects the purchaser against fraud. The miller has got to put the weight on it. The farmer is not going to be defrauded any more by permitting him to have a sack that has stamped on it or written on a tag, "90 pounds," than he will if it is 60 or 70 or 80 pounds. The main thing is for the farmer to understand what he is getting, and if it is written or stamped upon the package he is protected from fraud.

I usually listen to the gentleman from Illinois [Mr. MANN] with a great deal of interest. I listened to him to-day. He said I would have been opposed to a certain act which was passed here, which is now the law, to protect against fraud. He is mistaken. I should have been in favor of it. He was making his argument in defense of the present law and he did not answer my objection to this bill.

Well, just take the substitute. If the substitute is adopted and a farmer owning one of these small mills sells a package of this coarse, heavy feed stuff, he will be using an ordinary bran sack, and there is not one bran sack in this country that will hold a hundred pounds of that ground coarse feed stuff.

It may in the gentleman's State, up in the Northwest, where they use a different class of feed stuffs. They will use a more concentrated feed in a cold climate than they will in a mild climate like mine. I should like to see you stuff a hundred pounds of ground coarse feed stuff of the kind that is used in my district into an ordinary gunny sack that they use. You could not do it unless you used a compressor that would burst the texture of the sack. It shows how ridiculous it is to put an arbitrary standard for the whole Nation that will result in fining a miller \$500 if he uses any other standard.

The CHAIRMAN. The time of the gentleman from Arkansas has expired. All time has expired.

Mr. PADGETT. I move to strike out the last four words.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee for five minutes.

Mr. PADGETT. I want to ask a question for information, and I will eliminate everything except the question of shipment. In section 1 it says:

That the standard of weights for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, shall be 100 pounds avoirdupois, and the standard measure for such commodities, when the same are packed, shipped, sold, or offered for sale in packages of 5 pounds or over, shall be a package containing net avoirdupois weight 100 pounds, or a multiple of 100 pounds, or one of the following fractions thereof: Five, 10, 25, or 50 pounds, and in addition, but for commercial feeding stuffs only, 60, 70, or 80 pounds.

Then in section 7 it says:

That this act shall not be construed as repealing the act of July 28, 1866, chapter 301, Revised Statutes United States, sections 3569 and 3570, authorizing the use of the metric system, but such sections shall not be construed as allowing the packing, shipment, or offering for shipment, sale or offering for sale of packages of any sizes other than those established as standards herein.

Now, they use the word "shipment" there, "but such sections shall not be construed as allowing shipment of packages of any sizes other than those established as standards herein."

This law is general and applies to everybody. Here is a man that has 187½ pounds of flour or feed stuff that he wants to ship. Can he ship it from one State into another? Leave out the question of sale and all other questions except the one of shipment; he wants to ship a package of flour containing 187½ pounds. Can he ship it without violating this law and incurring the penalty? This applies to shipping in the alternative as well as sale.

The CHAIRMAN. The Chair will hold that all debate on the substitute and amendment is now exhausted, and the pro forma amendments of the gentleman from Tennessee, the gentleman from Arkansas, the gentleman from Iowa, and the gentleman from Massachusetts are withdrawn.

Mr. BLANTON. Mr. Chairman, I move to strike out the section.

Mr. BANKHEAD. Mr. Chairman, would not a vote on the substitute and the amendment to perfect the section be in order before a motion to strike out the entire section?

The CHAIRMAN. The Chair thinks it would, and the Chair will so hold. The question is on the substitute offered by the gentleman from New Jersey to the amendment offered by the gentleman from Arkansas.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Arkansas.

Mr. HAUGEN. Can we have the amendment reported?

The amendment was again reported.

The question was taken; and on a division (demanded by Mr. VESTAL) there were 12 ayes and 23 noes.

Mr. WINGO. Mr. Chairman, I shall be compelled to make a point of order, not out of resentment, but this is so radical a provision that I think we ought to have more than 35 Members here, and I make the point of no quorum.

Mr. VESTAL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having resumed the chair as Speaker pro tempore, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9755) establishing a standard of weights and measures for wheat-mill and corn-mill products, and had come to no resolution thereon.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

Mr. GARRETT. Will the gentleman withhold that for a moment and allow me to ask him a question?

Mr. MONDELL. I will.

Mr. GARRETT. I would like to ask the gentleman if he can advise the House what will probably be taken up to-morrow?

Mr. MONDELL. I think the Private Calendar.

The motion of Mr. MONDELL was then agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Friday, December 5, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting statement of contingent expenses, Treasury Department, 1919 (H. Doc. 463); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

2. A letter from the Acting Secretary of the Interior, transmitting a statement showing for the first four months of the current year the average number of employees in the Secretary's office, the Solicitor's office, the various bureaus and offices of this department, the Alaskan Engineering Commission, and the Territories of Alaska and Hawaii, respectively, receiving increased compensation (H. Doc. No. 464); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting report compiled in office of the Director of the Air Service in compliance with House resolution 190 (H. Doc. No. 465); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Secretary of the Navy, transmitting an analysis by ranks and ratings of the pay and allowances of officers and enlisted men of the Navy as reported for the fiscal year ending June 30, 1919 (H. Doc. No. 466); to the Committee on Expenditures in the Navy Department and ordered to be printed.

5. A letter from the Postmaster General, transmitting report on special contract entered into with the Alaskan Engineering Commission for carrying the mails from Seward to Anchorage, Alaska (H. Doc. No. 467); to the Committee on the Post Office and Post Roads and ordered to be printed.

6. A letter from the Postmaster General, transmitting report on a special contract entered into with the Copper River & Northwestern Railway Co. for carrying the mails from Cordova, by Chitina and other points, to Kennecott, Alaska (H. Doc. No. 468); to the Committee on the Post Office and Post Roads and ordered to be printed.

7. A letter from the Librarian of Congress, transmitting annual report as Librarian of Congress and the annual report of the Superintendent of the Library Building and Grounds for the fiscal year ended June 30, 1919 (H. Doc. No. 467); to the Committee on the Library and ordered to be printed.

8. A letter from the Secretary of Agriculture, transmitting statement showing exchanges of typewriters, adding machines, and other similar labor-saving devices in the Department of Agriculture for the fiscal year 1919 (H. Doc. No. 469); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Postmaster General, transmitting report in detail of the department's operations under the terms of the Executive order of March 31, 1917, in response to House resolution 270 (H. Doc. No. 470); to the Committee on Reform in the Civil Service and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting statement of the expenditures of the Coast Guard for the fiscal year ended June 30, 1919 (H. Doc. No. 471); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

11. A letter from the Acting Secretary of War, transmitting report of expenditures on account of appropriation for contingent expenses of the War Department during the fiscal year ended June 30, 1919 (H. Doc. No. 472); to the Committee on Expenditures in the War Department and ordered to be printed.

12. A letter from the Acting Secretary of the Interior, transmitting report in conformity with section 5 of the act of March 2, 1919, in connection with the adjustment of losses sustained in the production of manganese, chrome, pyrites, and tungsten (H. Doc. No. 473); to the Committee on Expenditures in the Interior Department and ordered to be printed.

13. A letter from the Acting Secretary of the Interior, transmitting copy of a report relative to the construction of a bridge across the Salt River near Lehi, Maricopa County, Ariz. (H. Doc. No. 474); to the Committee on Indian Affairs and ordered to be printed.

14. A letter from the Acting Secretary of the Interior, transmitting detailed report of receipts from rentals, extension Capitol Grounds, for the period March 5, 1919, to December 1, 1919 (H. Doc. No. 475); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 1670) for the relief of the Arundel Sand & Gravel Co., reported the same with amendment, accompanied by a report (No. 478), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10867) granting a pension to Henrietta A. Whitney, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GALLIVAN: A bill (H. R. 10871) to provide for the payment of wages to civilian officers and crews, and for other purposes; to the Committee on Appropriations.

By Mr. GREEN of Iowa: A bill (H. R. 10872) to amend section 211 of the revenue act of 1918; to the Committee on Ways and Means.

By Mr. BUTLER: A bill (H. R. 10873) to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Hawaiian Islands; to the Committee on the Territories.

By Mr. FORDNEY: A bill (H. R. 10874) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS: A bill (H. R. 10875) to liberalize the provisions of an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended; to the Committee on Education.

By Mr. FESS: A bill (H. R. 10876) to fix second-class postage rates and to provide for a commission to investigate and report upon a proper classification of mail matter and postage charges for the different classes, respectively; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL of California: A bill (H. R. 10877) to authorize air mail service between New York City, N. Y., and the Pacific coast; to the Committee on the Post Office and Post Roads.

By Mr. CRAMTON: A bill (H. R. 10878) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918; to the Committee on Education.

By Mr. KELLEY of Michigan: A bill (H. R. 10879) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Naval Affairs.

By Mr. GRIGSBY: A bill (H. R. 10880) for the regulation and protection of the fisheries of Alaska, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOULD: A bill (H. R. 10881) for the purchase of a site for the erection thereon of a public building at Seneca Falls, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. SHERWOOD: A bill (H. R. 10882) providing for pensions for all American citizens who have reached the age of 64 years and who are incapable of manual labor and whose incomes are less than \$800 per annum; to the Committee on Labor.

By Mr. BYRNES of South Carolina: A bill (H. R. 10883) authorizing the counties of Beaufort, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 10884) to provide for an examination and survey of Fernandina Harbor, Fla.; to the Committee on Rivers and Harbors.

By Mr. GOULD: A bill (H. R. 10885) for the erection of a public building at Lyons, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. LEHLBACH: Resolution (H. Res. 409) to provide a clerk to the Committee on Reform in the Civil Service; to the Committee on Accounts.

By Mr. MADDEN: Resolution (H. Res. 410) to investigate the charges of educational and administrative inefficiency made against Roscoe C. Bruce, assistant superintendent of schools of the District of Columbia; to the Committee on the District of Columbia.

By Mr. FESS: Resolution (H. Res. 411) to provide a clerk to the Committee on Education; to the Committee on Accounts.

By Mr. CONNALLY: Joint resolution (H. J. Res. 252) requesting the French Republic to repeal, modify, or suspend the laws, ministerial instructions, and regulations of the French Republic preventing the immediate disinterment and return to the United States of America military dead buried in France, and directing the Secretary of War, upon the French Republic consenting, to take appropriate action to effect such disinterment and removal to the United States of such bodies in cases where requests for such removal are made by the nearest of kin; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Joint resolution (H. J. Res. 253) declaring the war between Germany and the United States to be at an end; to the Committee on Foreign Affairs.

By Mr. KELLER: Joint resolution (H. J. Res. 254) to relieve the present coal shortage and to provide for the uninterrupted production of coal; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 10886) granting a pension to Rhoda Button; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 10887) for the relief of Robert Clive Wilcox; to the Committee on Military Affairs.

By Mr. CRAGO: A bill (H. R. 10888) for the relief of Jacob L. Malsberry; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 10889) granting an increase of pension to William Cline; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 10890) granting a pension to Zittle King; to the Committee on Pensions.

By Mr. HARRELD: A bill (H. R. 10891) to remove the charge of desertion against Seth A. Welch; to the Committee on Military Affairs.

By Mr. HULL of Iowa: A bill (H. R. 10892) granting a pension to Eva R. Meek; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10893) granting a pension to Henriette Borgstadt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10894) granting a pension to William Herbert Fish; to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 10895) to authorize the appointment of William Roberts, major, United States Army, retired, in the reserve of the United States Public Health Service; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 10896) granting a pension to Martha L. Elliott; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 10897) granting a pension to Roy C. Murray; to the Committee on Pensions.

Also, a bill (H. R. 10898) for the relief of James Y. Whitsitt; to the Committee on Military Affairs.

By Mr. MCKINLEY: A bill (H. R. 10899) granting a pension to Mary Emma Seabrook; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 10900) granting a pension to Emma Bouse; to the Committee on Pensions.

Also, a bill (H. R. 10901) granting a pension to Louisa Gladwish; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 10902) to compensate the firm of Rothwell Bros. for repair work for the United States at Jefferson Barracks, Mo.; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 10903) granting a pension to Flora B. Warren; to the Committee on Pensions.

By Mr. REED of West Virginia: A bill (H. R. 10904) granting a pension to Sarah Lanham; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 10905) granting an increase of pension to Elisha Childress; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 10906) granting an increase of pension to Emma Swalls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10907) granting an increase of pension to Zetta Swalls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10908) granting an increase of pension to Jasper Stoops; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10909) granting a pension to Sarah J. Parks; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 10910) granting an increase of pension to Horace B. Case; to the Committee on Pensions.

Also, a bill (H. R. 10911) granting a pension to Mary Haremaker; to the Committee on Invalid Pensions.

By Mr. TINCER: A bill (H. R. 10912) granting a pension to Alice Victoria Cook; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 10913) granting an increase of pension to Nelson Behymer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10914) granting an increase of pension to Lemuel C. Nicolson; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 10915) granting a pension to Burton Walters; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

92. By Mr. BACHARACH: Petition of Henry J. McCracken Branch, Friends of Irish Freedom, of Newark, N. J., commending action of those Senators who supported Lodge reservations to the league of nations; to the Committee on Foreign Affairs.

93. By Mr. CURRY of California: Petition of Citrus Heights Friends Church, of Fair Oaks, Calif., protesting against militarism; to the Committee on Military Affairs.

94. Also, petition of Sacramento Parlor No. 3, Native Sons of the Golden West, of Sacramento, Calif., opposing all organizations favoring overthrow of the Government of the United States; to the Committee on the Judiciary.

95. Also, petition of State Association of County Horticultural Commissioners of California requesting adequate appropriation for continuance of grape experimental stations; to the Committee on Agriculture.

96. By Mr. GALLIVAN: Petition of Massachusetts Branch, American Legion, forwarding resolutions adopted at convention held at Worcester, Mass., October 15 and 16, 1919; to the Committee on Military Affairs.

97. By Mr. HULINGS: Petition of E. Richardson Division, 282, Brotherhood of Locomotive Engineers, concerning railroad legislation; to the Committee on Interstate and Foreign Commerce.

98. By Mr. JOHNSTON of New York: Petition of Union of Technical Men, New York Local No. 37, opposing antistrike railroad legislation; to the Committee on Interstate and Foreign Commerce.

99. By Mr. KETTNER: Petition of El Centro Post, American Legion, indorsing action of congressional investigation committee; to the Select Committee on Expenditures in the War Department.

100. Also, petition of Cigar Makers' Union No. 332, of San Diego, Calif., relative to Cummins bill; to the Committee on Interstate and Foreign Commerce.

101. By Mr. LINTHICUM: Petition of Women Suffrage League of Maryland, favoring continuance of Women's Bureau in District of Columbia and its establishment in other cities; to the Committee on the District of Columbia.

102. Also, petition of Will Blair, of Baltimore, Md., urging bonus for soldiers; to the Committee on Military Affairs.

103. Also, petition of Walter Green Post No. 14, of Baltimore, Md., concerning radical elements and mob violence in the United States; to the Committee on the Judiciary.

104. By Mr. MCKINLEY: Petition of Champaign-Urbana Typographical Union No. 444, urging Congress to adjust differences between miners and operators; to the Committee on Mines and Mining.

105. By Mr. MADDEN: Petition of sundry citizens of the District of Columbia, presenting statements relative to the charges of educational and administrative inefficiency against Roscoe C. Bruce; to the Committee on the District of Columbia.

106. By Mr. O'CONNELL: Petition of Union of Technical Men, New York Local No. 37, opposing antistrike railroad legislation; to the Committee on Interstate and Foreign Commerce.

107. By Mr. REED of West Virginia: Petition of Division No. 190, Brotherhood of Railway Conductors, Grafton, W. Va., opposing Cummins and Esch-Pomerene bills; to the Committee on Interstate and Foreign Commerce.

108. By Mr. SINCLAIR: Petition of Carpenters' Union 1176, of Fargo, N. Dak., protesting against the antistrike provisions of the pending railroad legislation; to the Committee on Interstate and Foreign Commerce.

109. By Mr. STEENERSON: Petition of Minnesota Public Health Association in favor of an appropriation for investigation of the causes, modes of transmission, prevention and cure of influenza, pneumonia, and allied diseases; to the Committee on Agriculture.

110. By Mr. TEMPLE: Petition of Chartiers Presbyterian Church, Canonsburg, Pa., urging an amendment to the preamble of the Constitution of the United States; to the Committee on the Judiciary.

SENATE.

FRIDAY, December 5, 1919.

(Legislative day of Thursday, December 4, 1919.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

WILLIAM F. KIRBY, a Senator from the State of Arkansas, and JOSEPH E. RANDELL, a Senator from the State of Louisiana, appeared in their seats to-day.

REPORT OF THE PUBLIC HEALTH SERVICE (H. DOC. NO. 436).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting the annual report of the Surgeon General of the Public Health Service for the fiscal year 1919, which was referred to the Committee on Public Health and National Quarantine.

COTTON STATISTICS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, itemized statements showing receipts and disbursements under section 6 of the act of March 4, 1919, for classification of cotton on future exchanges and investigations and quotations of cotton prices at spot markets from March 1 to October 31, 1919, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

PURCHASE OF TYPEWRITERS (H. DOC. NO. 469).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement of the number of typewriters and other labor-saving devices purchased and exchanged during the fiscal year 1919, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

REPORT OF WAR MINERALS RELIEF COMMISSION (H. DOC. NO. 473).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the War Minerals Relief Commission relative to the adjustment of certain losses sustained in the production of manganese, chrome, pyrites, or tungsten during a given time embraced in the period of the war, which, with the accompanying paper, was referred to the Committee on Mines and Mining and ordered to be printed.

SALT RIVER INDIAN RESERVATION (H. DOC. NO. 474).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the construction of a bridge across the Salt River, on the Salt River Indian Reservation, near Lehi, Maricopi County, Ariz., which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

HOUSING FOR WAR NEEDS (H. DOC. NO. 475).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, certain information relative to the housing for war needs, together with a statement showing the receipts from rentals extension of the Capitol Grounds for the period of March 5, 1919, to December 1, 1919, which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

FEDERAL BOARD FOR VOCATIONAL EDUCATION.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Board for Vocational Education, transmitting, pursuant to law, an itemized account of expenditures from July 1 to September 30, 1919, inclusive, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act